

# **Extract from the Civil Procedure Code of the Republic of Azerbaijan**

## **Chapter 50**

### **RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS**

#### **Article 474. General Provisions**

The procedure for the recognition and enforcement of foreign arbitral awards shall be governed by the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958 (the “New York Convention”), the Law of the Republic of Azerbaijan “On Arbitration,” and the provisions of this Chapter.

#### **Article 474-1. Court Competent to Hear Applications for Recognition and Enforcement of Foreign Arbitral Awards**

Applications for the recognition and enforcement of foreign arbitral awards shall be heard by the Supreme Court of the Republic of Azerbaijan.

#### **Article 475. Application for Recognition and Enforcement of a Foreign Arbitral Award**

**475.1.** The application shall be submitted to the court in writing.

**475.2.** The application shall indicate the following:

**475.2.1.** the name of the court to which the application is submitted;

**475.2.2.** the surname, given name, and patronymic of the parties to the arbitration agreement (or, in the case of a legal entity, its name) and their place of residence (or, for legal entities, their registered office); where available – telephone numbers, including mobile phone numbers, and e-mail address;

**475.2.3.** the composition of the foreign arbitral tribunal that rendered the award;

**475.2.4.** the name and location of the permanent arbitral institution (if the arbitral proceedings were administered by a permanent arbitral institution);

**475.2.5.** the date and place of the arbitral award;

**475.2.6.** the request for recognition and enforcement of the arbitral award;

**475.2.7.** a list of the documents attached.

**475.3.** The application shall be signed by the person (or persons) submitting it or by their representative. Where the application is submitted by a representative, a document confirming their authority shall be attached.

**475.4.** The following documents shall be attached to the application:

**475.4.1.** evidence confirming that the application has been received by the respondent;

**475.4.2.** the arbitral award or a notarized copy thereof, or, where the arbitral proceedings were administered by a permanent arbitral institution, a copy of the arbitral award certified by that permanent arbitral institution;

**475.4.3.** the arbitration agreement or a notarized copy thereof, or, if this is not possible, any document confirming the conclusion of the arbitration agreement;

**475.4.4.** documents substantiating the merits of the application;

**475.4.5.** a document confirming payment of the state fee;

**475.4.6.** if the arbitral award or the arbitration agreement is in a foreign language, a notarized translation of such documents into the Azerbaijani language;

**475.4.7.** a copy of the application.

#### **Article 476. Refusal to Recognize or Enforce a Foreign Arbitral Award**

**476.1.** Recognition or enforcement, in whole or in part, of a foreign arbitral award may be refused only in the following cases:

**476.1.1.** Where the party against whom the award is invoked provides the court examining the application for recognition or enforcement with evidence that:

**476.1.1.1.** one of the parties to the arbitration agreement was, under the law applicable to it, under an incapacity at the time of concluding that agreement, or the arbitration agreement is invalid under the law to which the parties have subjected it, or, failing any indication thereon, under the law of the State in which the award was made;

**476.1.1.2.** the party against whom the award was rendered was not duly notified of the appointment of an arbitrator or of the arbitral proceedings, or was otherwise unable to present its objections and evidence;

**476.1.1.3.** the award deals with a dispute not contemplated by or not falling within the terms of the arbitration agreement, or contains decisions on matters beyond the scope of the arbitration agreement or the claims submitted to arbitration (however, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced);

**476.1.1.4.** the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the place of arbitration;

**476.1.1.5.** the award has not yet become binding on the parties, or has been set aside or suspended by a competent court of the State in which, or under the law of which, the award was made.

**476.1.2.** Where the court finds that:

**476.1.2.1.** under the laws of the Republic of Azerbaijan, the subject matter of the dispute is not capable of settlement by arbitration;

**476.1.2.2.** recognition or enforcement of the arbitral award would be contrary to the Constitution of the Republic of Azerbaijan or to public policy, that is, to imperative, universal, and particularly significant public legal principles which form the fundamental legal basis of the political, economic, and legal system of the Republic of Azerbaijan.

**476.2.** If an application for setting aside the arbitral award has been submitted to a court referred to in subparagraph 476.1.1.5 of this Code, the court to which recognition or enforcement is sought may, if it considers it necessary, adjourn its decision and, upon the motion of the party applying for recognition or enforcement of the award, may require the other party to provide appropriate security. Security may, at the discretion of the court, be provided in the form of a bank guarantee or by depositing the specified sum into a notary's deposit account.

**476.3.** When considering an application for recognition or enforcement of an arbitral award, the court shall have no authority to review the merits of the award.

**476.4.** An application for recognition and enforcement of a foreign arbitral award shall be considered within three (3) months from the date it is filed with the court.

**476.5.** The court shall, in accordance with the procedure established by this Code, render a decision either on full or partial recognition and enforcement of the arbitral award or on refusal thereof. Based on a decision on full or partial recognition and enforcement of the arbitral award, a writ of execution shall be issued.

## **Section Five**

### **PROCEEDINGS RELATING TO THE EXERCISE OF ASSISTANCE AND SUPERVISORY FUNCTIONS IN RESPECT OF ARBITRATION**

## **Chapter 51**

### **PROCEEDINGS RELATING TO THE EXERCISE OF ASSISTANCE FUNCTIONS IN RESPECT OF ARBITRATION**

#### **Article 478. Court Assistance Functions in Relation to Arbitration and Filing of the Application**

**478.1.** Unless otherwise agreed by the parties, courts shall perform the following assistance functions in relation to arbitration:

**478.1.1.** Resolving matters related to the appointment of arbitrators;

**478.1.2.** Resolving matters related to challenging an arbitrator;

**478.1.3.** Resolving matters related to the termination of an arbitrator's mandate (authority);

**478.1.4.** Granting interim measures;

**478.1.5.** Providing assistance in the preservation of evidence.

**478.2.** An application for the performance of court assistance functions may be submitted by a party to the arbitration agreement or the arbitral tribunal in the manner and cases provided for by the Law of the Republic of Azerbaijan "On Arbitration."

**478.3.** In cases referred to in Articles 478.1.2 and 478.1.3 of this Code, an application shall be filed within thirty (30) days from the date when the applicant became aware or should have become aware of the circumstances forming the basis of the application.

**478.4.** Applications concerning the assistance functions specified in Articles 478.1.1 – 478.1.5 of this Code shall be submitted to a commercial court within the territory of the Republic of Azerbaijan at the place of arbitration. In respect of the assistance functions specified in Articles 478.1.4 and 478.1.5, if the place of arbitration is not determined or is located in a foreign state, the application shall be submitted to the competent commercial court having jurisdiction over the city of Baku.

**478.5.** In proceedings concerning assistance in the preservation of evidence, the application may also be submitted to the commercial court at the place where the relevant procedural actions are to be performed.

**478.6.** Where the parties have so agreed, in the case of international arbitration where the place of arbitration is not determined and at least one of the parties is engaged in entrepreneurial activity, or if a party is not engaged in entrepreneurial activity, where the party habitually resides (if a natural person) or the location of its permanent governing body (if a legal person) is situated in the territory of the Republic of Azerbaijan, applications concerning the assistance functions referred to in Articles 478.1.1 – 478.1.3 of this Code shall be submitted to the competent commercial court having jurisdiction over the city of Baku.

#### **Article 479. Form and Content of the Application**

**479.1.** An application shall be submitted to the court in writing.

**479.2.** The application shall indicate the following:

**479.2.1.** The name of the court to which the application is submitted;

**479.2.2.** The place of the arbitration;

**479.2.3.** The surname, given name, and patronymic of the parties to the arbitration agreement (or the name of a legal person) and their place of residence (or registered office for legal entities), and, if available, telephone numbers, including mobile numbers, and email address;

**479.2.4.** The composition of the arbitral tribunal handling the dispute (if the arbitral tribunal has been constituted);

- 479.2.5.** The name and location of a permanent arbitral institution (if the arbitration is administered by a permanent arbitral institution);
- 479.2.6.** The facts forming the basis for the application to the court;
- 479.2.7.** The request of the applicant;
- 479.2.8.** A list of attached documents.
- 479.3.** The application shall be signed by the person(s) submitting it or by their representative. Where the application is submitted by a representative, a document confirming their authority shall be attached.
- 479.4.** The following documents shall be attached to the application:
- 479.4.1.** Evidence confirming that the application has been received by the respondent (taking into account the provisions of Article 480.5 of this Code);
- 479.4.2.** The arbitration agreement or its notarized copy, or, if this is not possible, any document confirming that the arbitration agreement was concluded;
- 479.4.3.** Documents substantiating the validity of the application;
- 479.4.4.** A document confirming payment of the state fee;
- 479.4.5.** If the arbitration agreement is in a foreign language, a notarized translation of the document into Azerbaijani;
- 479.4.6.** A copy of the application.

#### **Article 480. Procedure for Considering Applications and Legal Effects**

- 480.1.** Applications concerning the assistance functions specified in Articles 478.1.1 – 478.1.3 of this Code shall be considered by the first-instance court referred to in this Code within thirty (30) days from the date of receipt of the application, taking into account the features established in this Chapter and in accordance with the rules of procedure provided for in this Code.
- 480.2.** Applications concerning the assistance functions specified in Article 478.1.4 of this Code shall be considered in the manner provided for in Chapter 13 of this Code, taking into account the features established in this Chapter.
- 480.3.** Applications concerning the assistance functions specified in Article 478.1.5 of this Code shall be considered in accordance with the requirements of Articles 85 – 87 of this Code, taking into account the features established in this Chapter.
- 480.4.** The parties to the arbitration dispute shall be notified of the time and place of the court hearing. However, their failure to appear shall not prevent the case from being heard.
- 480.5.** Unless otherwise agreed by the parties, and if prior notice of interim measures would undermine the purpose of such measures, the court may decide on the granting of interim measures without notifying the party against whom such measures are directed.
- 480.6.** In considering the case, the court shall examine the evidence supporting the claims and objections to determine whether there are grounds to satisfy the applicant's requests.
- 480.7.** The court's decision on the case shall be made in accordance with the procedure established by this Code. Court decisions on matters referred to in Articles 478.1.1 – 478.1.3 and 478.1.5 of this Code shall not be subject to appeal. Court decisions on matters referred to in Article 478.1.4 of this Code may be appealed in accordance with the procedure and time limits established by this Code. The decision of the appellate court shall be final.

## **Chapter 52**

### **PROCEEDINGS ON APPEALS AGAINST DECISIONS OF DOMESTIC ARBITRAL TRIBUNALS**

## **Article 481. Filing an Appeal Against the Decision of an Arbitral tribunal**

**481.1.** The parties to arbitration proceedings may submit an application to the court for the annulment of the decision of the arbitral tribunal.

**481.2.** An application for the annulment of the arbitral tribunal's decision shall be submitted to the commercial court at the place of arbitration within the time limits established by the Law of the Republic of Azerbaijan "On Arbitration."

## **Article 482. Form and Content of the Application**

**482.1.** An application shall be submitted to the court in writing.

**482.2.** The application shall indicate the following:

**482.2.1.** The name of the court to which the application is submitted;

**482.2.2.** The surname, given name, and patronymic of the parties to the arbitration agreement (or the name of a legal person) and their place of residence (or registered office for legal entities), and, if available, telephone numbers, including mobile numbers, and email address;

**482.2.3.** The composition of the arbitral tribunal that rendered the decision;

**482.2.4.** The name and location of a permanent arbitral institution (if the arbitration is administered by a permanent arbitral institution);

**482.2.5.** The date and place of the arbitral tribunal's decision;

**482.2.6.** The date on which the applicant received the arbitral tribunal's decision;

**482.2.7.** The applicant's claim and the facts supporting it;

**482.2.8.** A list of attached documents.

**482.3.** The application shall be signed by the person(s) submitting it or by their representative. Where the application is submitted by a representative, a document confirming their authority shall be attached.

**482.4.** The following documents shall be attached to the application:

**482.4.1.** Evidence confirming that the application has been received by the respondent;

**482.4.2.** The arbitral tribunal's decision or its notarized copy, or, if the arbitration is administered by a permanent arbitral institution, a copy certified by such institution;

**482.4.3.** The arbitration agreement or its notarized copy, or, if this is not possible, any document confirming that the arbitration agreement was concluded;

**482.4.4.** Documents substantiating the validity of the application;

**482.4.5.** a document confirming payment of the state fee;

**482.4.6.** If the arbitral tribunal's decision or the arbitration agreement is in a foreign language, a notarized translation of these documents into Azerbaijani;

**482.4.7.** a copy of the application.

**482.5.** If the application does not comply with the form and content requirements established by Article 482, or if the grounds provided for in Articles 152.1.2, 152.1.3, 152.1.5, and 152.1.9 of this Code exist, the judge shall return the application and attached documents. The return of the application shall not prevent resubmission to the court in the ordinary manner once the deficiencies are remedied.

## **Article 483. Grounds for Annulment of an Arbitral Award**

**483.1.** An arbitral award may be wholly or partly annulled by the court in the following cases:

**483.1.1.** Where the applicant submits the following evidence:

**483.1.1.1.** That at the time of concluding the arbitration agreement, one of the parties lacked legal capacity under the applicable law, or that the arbitration agreement is invalid under the law applied by the parties or, in the absence of such law, under the legislation of the Republic of Azerbaijan;

**483.1.1.2.** That the applicant was not duly notified of the appointment of the arbitrator or of the arbitration proceedings, or for other reasons was deprived of the opportunity to present objections and evidence;

**483.1.1.3.** That the award was rendered in respect of a dispute not contemplated by the arbitration agreement or not falling within the scope of its terms, or covers matters beyond the scope of the arbitration agreement or the claim (if issues can be separated, only those parts of the award dealing with matters not covered by the arbitration agreement or claim may be annulled);

**483.1.1.4.** That the composition of the arbitral tribunal or the arbitration proceedings were inconsistent with the parties' agreement or, in the absence of such agreement, with the Law of the Republic of Azerbaijan "On Arbitration."

**483.1.2.** Where the court establishes that:

**483.1.2.1.** The dispute is not capable of settlement by arbitration under the legislation of the Republic of Azerbaijan;

**483.1.2.2.** The arbitral award is contrary to the Constitution of the Republic of Azerbaijan or public policy.

#### **Article 484. Procedure for the application and legal effects**

**484.1.** The application shall be examined within 30 (thirty) days from the date of its receipt by the court, taking into account the specific features laid down in this Chapter, in accordance with the rules for hearing cases by the court of first instance provided for in this Code.

**484.2.** At the preparatory stage of the proceedings, upon a motion of the persons participating in the case, the court hearing the case may request the case materials relating to the arbitral award for which an application for setting aside has been filed from the parties, or, where the case materials have not been provided to the parties, from the permanent arbitral institutions or from the entity authorized to keep the arbitral case file.

**484.3.** Persons participating in the case shall be notified of the time and place of the court hearing. However, their failure to appear shall not prevent the case from being heard.

**484.4.** When hearing the case, the court examines the evidence on which the claims and objections are based and determines whether there are grounds to set aside the arbitral award. In examining an application for setting aside, the court has no authority to reexamine the arbitral award on the merits.

**484.5.** Following examination of the case, the court shall render a decision, in the manner prescribed by this Code, either to set aside the arbitral award in whole or in part, or to refuse to set it aside.

**484.6.** If the arbitral award is set aside, the arbitration agreement remains in force unless the parties' agreement provides otherwise and unless the decision setting aside the award determines that the arbitration agreement is invalid. In that case, the parties to the arbitration may resubmit the dispute to an arbitral tribunal for resolution.

**484.7.** In the manner and within the time limits established by this Code, an appeal may be lodged against court decisions to set aside an arbitral award or to refuse to set it aside. The decision of the court of appeal is final.

#### **Article 485. Consideration of an application to set aside the arbitral tribunal's preliminary decision on its jurisdiction**

**485.1.** In the cases provided for by the Law of the Republic of Azerbaijan "On Arbitration", the parties to the arbitration proceedings may apply to the commercial court at the place

of arbitration for the setting aside of the arbitral tribunal's preliminary decision on its jurisdiction.

**485.2.** An application may be filed within 30 (thirty) days from the date of receipt of the arbitral tribunal's preliminary decision on its jurisdiction.

**485.3.** If the arbitral tribunal renders an award on the merits of the dispute before the court considers the application, the application shall be left without consideration due to the completion of the arbitration proceedings. In that case, the applicant does not lose the right to invoke the circumstances that formed the basis of the application provided for in Article 485 of this Code, when a case on setting aside the arbitral award or on its compulsory enforcement is heard.

**485.4.** Upon consideration of the case, the court shall render a decision either to set aside the arbitral tribunal's preliminary decision on its jurisdiction or to refuse to set it aside in the manner prescribed by this Code. An appeal may be lodged with the court of appeal against a court decision finding that the arbitral tribunal lacks jurisdiction. The decision of the court of appeal is final.

## **Chapter 53**

### **PROCEEDINGS IN CASES RELATING TO ENSURING THE COMPULSORY ENFORCEMENT OF A DOMESTIC ARBITRAL AWARD**

#### **Article 486. Application to the court for compulsory enforcement of a domestic arbitral award**

**486.1.** The issue of compulsory enforcement of a domestic arbitral award shall be considered upon an application by an interested party.

**486.2.** If a domestic arbitral award is not executed voluntarily within the period specified in the award, or, if no such period is specified, within 3 (three) months from the date the award was made, an application may be filed with the court for enforcement of the arbitral award.

**486.3.** If a domestic arbitral award has been set aside by the court in the manner prescribed by this Code, the court to which an application for ensuring the compulsory enforcement of that award has been filed shall refuse to accept the application.

**486.4.** The application shall be filed with the commercial court at the debtor's place of residence (place of registered office of the legal person). If the debtor's place of residence (place of registered office of the legal person) is unknown, the application shall be filed with the commercial court at the place where the debtor's property is located. The application may be filed with the commercial court at the place of arbitration or at the applicant's place of residence (place of registered office of the legal person), with the agreement of the parties to the arbitration proceedings.

**486.5.** The application may be filed no later than 3 (three) years from the date on which the period for voluntary execution of the arbitral award expires.

#### **Article 487. Form and Content of the Application**

**487.1.** The application shall be submitted to the court in writing.

**487.2.** The application shall indicate the following:

**487.2.1.** The name of the court to which the application is submitted;

**487.2.2.** the surname, first name and patronymic of the parties to the arbitration agreement (in relation to a legal person, its name) and their place of residence (for legal persons, place of registered office), and, where available, their telephone numbers, including mobile telephone numbers, and email address.

**487.2.3.** the composition of the arbitral tribunal that rendered the award;

487.2.4. the name and place of location of the permanent arbitral institution (if the arbitral proceedings were administered by a permanent arbitral institution);

487.2.5. the date and place at which the arbitral award was made;

487.2.6. the request for ensuring the compulsory enforcement of the arbitral award;

487.2.7. a list of the documents attached.

487.3. The application shall be signed by the person(s) submitting it or by their representative. Where the application is submitted by a representative, a document confirming the representative's authority shall be attached.

487.4. The following documents shall be attached to the application:

487.4.1. Evidence confirming receipt of the application by the respondent;

487.4.2. the arbitral award or a notarized copy thereof, or, where the arbitral proceedings were administered by a permanent arbitral institution, a copy of the arbitral award certified by that permanent arbitral institution;

487.4.3. the arbitration agreement or a notarized copy thereof, or, if this is not possible, any document confirming that an arbitration agreement was concluded;

487.4.4. documents substantiating the application;

487.4.5. a document confirming payment of the state fee;

487.4.6. if the arbitral award or the arbitration agreement is in a foreign language, a notarized translation of those documents into the Azerbaijani language;

487.4.7. a copy of the application.

#### **Article 488. Procedure for examination of the application and legal effects**

488.1. The application shall be examined within 30 (thirty) days from the date of its receipt by the court, taking into account the specific features laid down in this Chapter, in accordance with the rules for hearing cases by the court of first instance provided for in this Code.

488.2. At the preparatory stage of the proceedings, upon a motion of the persons participating in the case, the court hearing the case may request the case materials relating to the arbitral award for which an application for compulsory enforcement has been filed from the parties, or, where the case materials have not been provided to the parties, from the permanent arbitral institutions or from the entity authorized to keep the arbitral case file.

488.3. The parties to the arbitration proceedings shall be notified of the time and place of the court hearing. However, their failure to appear shall not prevent the case from being heard.

488.4. When hearing the case, the court shall examine the evidence supporting the claims and objections and determine whether there are grounds to refuse ensuring the compulsory enforcement of the arbitral award. In considering an application for ensuring the compulsory enforcement of a domestic arbitral award, the court has no authority to review the arbitral tribunal's award on the merits.

488.5. The court may refuse the compulsory enforcement of the arbitral award only on the grounds set out in Article 483.1 of this Code.

488.6. If both a case on ensuring the compulsory enforcement of an arbitral award and a case on setting aside the same award are pending before the same court, those cases shall be joined in a single proceeding in accordance with Article 169.4 of this Code.

488.7. If cases concerning ensuring the compulsory enforcement of an arbitral award and setting aside that award are pending before different courts, the court that has accepted the case on ensuring compulsory enforcement shall suspend the proceedings until the other court resolves the case, in accordance with Article 254.1.4 of this Code.

**488.8.** If an application has been filed with the court to set aside a domestic arbitral award pursuant to Article 483 of this Code, the grounds formulated for setting aside that arbitral award may not be reconsidered by the court to which application for ensuring the compulsory enforcement of the award has been made.

**488.9.** Following examination of the case, the court shall render a decision either on ensuring the compulsory enforcement of the arbitral award or on refusing to do so in the manner prescribed by this Code. A decision ensuring the compulsory enforcement of the arbitral award in whole or in part shall serve as the basis for issuing a writ of execution.

**488.10.** An appeal may be lodged against court decisions on ensuring the compulsory enforcement of an arbitral award or on refusing to do so in the manner and within the time limits established by this Code. The decision of the court of appeal is final.

## **Chapter 54**

### **RECOGNITION AND ENFORCEMENT OF DECISIONS OF ARBITRAL TRIBUNALS ON THE APPLICATION OF INTERIM MEASURES**

#### **Article 489. Application to the court for recognition and enforcement of arbitral tribunals' decisions on interim measures**

**489.1.** The issue of recognition and enforcement of decisions of arbitral tribunals on the application of interim measures shall be considered upon an application by an interested party.

**489.2.** If no decision has been made by the arbitral tribunal regarding the provision of security, or if such a decision is necessary to protect the rights of third persons, the court to which an application for recognition and enforcement of a decision on interim measures is submitted may require the applicant in the arbitral proceedings to provide appropriate security. The security may be provided in the form of a bank guarantee or by depositing the monetary amount determined for the security into a notary's deposit account at the court's discretion.

**489.3.** The party to the arbitral proceedings that has applied for recognition or enforcement of a decision on interim measures shall immediately inform the court if those measures are annulled, suspended, or modified by the arbitral tribunal.

#### **Article 490. Court that is competent to hear applications for recognition and enforcement of arbitral tribunals' decisions on interim measures**

Applications for recognition and enforcement of decisions of arbitral tribunals on interim measures shall be heard by the court of appeal whose jurisdiction includes the city of Baku.

#### **Article 491. Form and content of the application**

**491.1.** The application shall be submitted to the court in writing.

**491.2.** The application shall indicate the following:

**491.2.1.** the name of the court to which the application is submitted;

**491.2.2.** the surname, first name and patronymic of the parties to the arbitration agreement (in relation to a legal person, its name) and their place of residence (for legal persons, place of their registered office), and, where available, their telephone numbers, including mobile telephone numbers, and email address;

**491.2.3.** the composition of the arbitral tribunal that rendered the decision;

**491.2.4.** the name and place of location of the permanent arbitral institution (if the arbitral proceedings were administered by a permanent arbitral institution);

**491.2.5.** the date and place at which the arbitral tribunal's decision was made;

491.2.6. the request for recognition and compulsory enforcement of the arbitral tribunal's decision on interim measures;

491.2.7. a list of the documents attached.

491.3. The application shall be signed by the person(s) submitting it or by his or her representative. Where the application is submitted by a representative, a document confirming the representative's authority shall be attached.

491.4. The following documents shall be attached to the application:

491.4.1. evidence confirming receipt of the application by the respondent (taking into account the provisions of Article 493.3 of this Code);

491.4.2. the arbitral award or a notarized copy thereof, or, where the arbitral proceedings were administered by a permanent arbitral institution, a copy of the arbitral award certified by that permanent arbitral institution;

491.4.3. the arbitration agreement or a notarized copy thereof, or, if this is not possible, any document confirming that an arbitration agreement was concluded;

491.4.4. documents substantiating the application;

491.4.5. a document confirming payment of the state fee;

491.4.6. if the arbitral tribunal's decision or the arbitration agreement is in a foreign language, a notarized translation of those documents into the Azerbaijani language;

491.4.7. a copy of the application.

#### **Article 492. Grounds for refusal to recognize or enforce decisions of arbitral tribunals on interim measures.**

492.1. Recognition or enforcement of decisions of arbitral tribunals on interim measures may be refused in the following cases:

492.1.1. at the request of the party against whom the decision is invoked, if the court determines that:

492.1.1.1. one of the grounds set out in Articles 476.1.1.1 to 476.1.1.4 of this Code exists, (except for the case indicated in Article 27.3 of the Law of the Republic of Azerbaijan "On Arbitration" in relation to Article 476.1.1.2);

492.1.1.2. the arbitral tribunal's decision on the provision of security in connection with the interim measures has not been complied with.

492.1.1.3. that the interim measures have been terminated or their enforcement suspended by the arbitral tribunal, or, where so empowered, by a court of the State in which the arbitration takes place or by a court of the State under whose law the interim measures were granted;

492.1.2. if the court determines any of the following:

492.1.2.1. that the interim measure is incompatible with the powers conferred upon the court, except where the court may modify it to the extent necessary to adapt it to its own powers and to the purposes of enforcing that measure without altering the substance of the measure.

492.1.2.2. that any of the grounds set out in Articles 476.1.2.1 and 476.1.2.2 of this Code apply to the recognition and enforcement of the interim measure.

#### **Article 493. Procedure for examination of the application and legal effects**

493.1. The application shall be examined without delay after the date it is received by the court.

493.2. At the preparatory stage of the proceedings, the court hearing the case may request the case materials relating to the arbitral decision for which an application for recognition and enforcement has been filed, either from the parties or, if the materials have not been provided to the parties, from the permanent arbitral institution or from

the entity authorized to keep the arbitral case file upon a motion by the persons participating in the case.

**493.3.** The court shall notify the party to whom the interim measure is directed before adopting a decision on recognition and enforcement of the arbitral decision on interim measures, except where prior notice of the impending decision could prejudice the purpose of applying such measures.

**493.4.** The parties to the arbitration proceedings shall be notified of the time and place of the court hearing. However, their failure to appear shall not prevent the case from being heard.

**493.5.** When hearing the application, the court shall examine the evidence on which the claims and objections are based and determine whether there are grounds to refuse recognition and enforcement of the arbitral tribunal's decision on interim measures.

**493.6.** In deciding on the application for recognition or enforcement, the court shall not undertake a review into the merits of the interim measures.

**493.7.** Following examination of the case, the court shall render a decision either on recognition and enforcement of the arbitral tribunal's decision on interim measures or on refusal of recognition and enforcement in the manner prescribed by this Code. The court that recognizes and enforces the arbitral tribunal's decision on interim measures may adapt it to the court's powers and to the purposes of enforcing that measure without altering the substance of the measure.

**493.8.** If the case has been heard in the absence of a party to the arbitral proceedings, the court shall immediately notify that party of the decision adopted.

**Article 494. Enforcement of the court decision on recognition and enforcement of the arbitral tribunal's decision on interim measures**

**494.1.** The court decision on recognition and enforcement of the arbitral tribunal's decision on interim measures shall take effect immediately and shall be executed.

**494.2.** The court decision on recognition and enforcement of the arbitral tribunal's decision on interim measures shall be sent to the competent authorities for execution, or a writ of execution shall be issued on the basis of that decision. At the applicant's request, a certified copy of the decision or of the writ of execution may be provided for submission to the competent authority.

**494.3.** Where the party to the arbitral proceedings against whom the interim measures are directed violates the prohibitions established by those interim measures, fines shall be imposed in favor of the State in the following amounts:

**494.3.1.** for claims subject to valuation, up to fifty percent of the claim value;

**494.3.2.** for claims not subject to valuation, two hundred and twenty manats.

**Article 495. Cessation of effect of the court decision on recognition and enforcement of the arbitral tribunal's decision on interim measures**

The parties to the arbitration proceedings shall immediately inform the court if the arbitral tribunal has annulled, suspended, or modified the interim measures. After assessing these circumstances, the court may revoke its decision on recognition and enforcement of the arbitral tribunal's decision on interim measures at its discretion, or replace one type of interim measure with another, without altering the substance of the measure.

**Article 496. Compensation for damage caused as a result of the recognition and enforcement of the arbitral tribunal's decision on interim measures**

If it is subsequently established that there were no grounds for applying interim measures, an interested person in the arbitral proceedings may demand from the party

that applied to the court for recognition and enforcement of the arbitral tribunal's decision on interim measures compensation for the damage caused by the recognition and enforcement of that decision (if the arbitral tribunal has not decided this matter), as well as reimbursement of the costs incurred in connection with objections to the court's recognition and enforcement of the arbitral tribunal's decision on interim measures through court proceedings.