# **Cross-Regional Court Performance Assessment – Country Report**

Kyrgyz Republic



DENTONS



### **Key findings**

### **Macro Data**

Central Asia<sup>1</sup>

6,691,800 (2021)2

191.800.0<sup>3</sup>

1,276.7 (2021)4

EBRD region of operation

Population size

Land area (sq.km.)

GDP per capita in USD

The Kyrgyz Republic is yet to make critical advances on its way to the digitization of governance and justice in particular. In all examined dimensions, its performance is below the average score of 2. The country has no small claims procedure and therefore is not assessed in terms of this dimension.

Regarding **Policies and Infrastructure for E-justice**, the Kyrgyz Republic receives one of the lowest scores among all examined jurisdictions. Even though the legislative framework for e-signatures and e-documents is in place, they are still not widely used. Furthermore, the available technical infrastructure leaves a lot to be desired both in terms of available broadband internet access and level of internet penetration. Regarding the digitalization of justice in particular, the Kyrgyz Republic is the only examined jurisdiction which still does not have a case management system. Its development and deployment are an underlying condition for any advances in the area of e-justice.

**Commercial Dispute Resolution** is not specialized in the Kyrgyz Republic. Previously existing economic courts were merged with the ones of general jurisdiction in 2020. For the scale of the country, such a move may be justified in terms of both budgetary constraints and demand for specialized justice.

Regarding **Uncontested Procedures for Enforcing a Claim**, the Kyrgyz Republic has a court order procedure with a broad scope which covers not only authentic documents such as notary deeds but also transactions executed in simple written form. The procedure is not digitized but is processed with relative efficiency by courts. The court's pronouncement in such a procedure is due within 3 days but in practice it may take somewhat longer. There are no effective linkages between the court order procedure and the litigation that would follow it in case of a debtor's objection.

As previously noted, the Kyrgyz Republic was not evaluated for **Small Claims Procedures**, since there is no small claim procedure provided in the country's legislation. The Kyrgyz Republic could introduce such procedure(s) as an immediate area for improvement.

Overall, the Kyrgyz Republic displays a low level of readiness for the introduction of ODR. Its overall policies and infrastructure for e-governance and e-justice need to be dramatically improved before any efforts in that respect could be considered. Critically, it appears that the country's first priority should be the development and deployment of a Case Management System for Kyrgyz courts.

- <sup>1</sup> See https://www.ebrd.com/where-we-are.html.
- <sup>2</sup> See <a href="https://data.worldbank.org/country/kyrgyz-republic?view=chart.">https://data.worldbank.org/country/kyrgyz-republic?view=chart.</a>
- <sup>3</sup> See <u>https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=KG.</u>
- <sup>4</sup> See <a href="https://data.worldbank.org/country/kyrgyz-republic?view=chart">https://data.worldbank.org/country/kyrgyz-republic?view=chart</a>.

## Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimens	sion 1. Policies and Infrastructure for E	-Justice	
Link to the strategy that covers e-justice (if any) and time-period of the strategy.		National Development Program of the Kyrgyz Republic until 2026 - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/430699/10?mode=tekst">http://cbd.minjust.gov.kg/act/view/ru-ru/430699/10?mode=tekst</a> Action Plan of the Cabinet of Ministers for the implementation of the National Development Program of the Kyrgyz Republic until 2026 - <a href="https://www.gov.kg/ru/post/s/20750-utverzhden-plan-meropriyatiy-kabineta-ministrov-po-realizatsii-natsionalnoy-programmy-razvitiya-kyrgyzskoy-respubliki-do-2026-goda">https://cbd.minjust.gov.kg/act/view/ru-ru/88104</a> State target program "Development of the judicial system of the Kyrgyz Republic for 2019-2022" - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/88104">http://cbd.minjust.gov.kg/act/view/ru-ru/88104</a>	
	oody is responsible for digitization udiciary?	"Adilet Sot" information technology institution under the Judicial Department under the Supreme Court of the Kyrgyz Republic (Adilet Sot) - <a href="http://e-sot.kg/">http://e-sot.kg/</a>	
Which body is responsible for digitization in public administration?		The second including th Code - <u>http:</u>	dy is the parliament, which approves the budget for the judiciary and accepts reports on the implementation of the GPC body - the Council of the Cabinet of Ministers - coordinates the actions of ministries, state committees and administrative departments, e judicial system of the republic, on the formation of the Main Directions of Fiscal Policy for the Medium Term (Article 83 of the Budget //cbd.minjust.gov.kg/act/view/ru-ru/111338) add is the Ministry of Digital Development - https://digital.gov.kg/
for digit	e a formal coordination mechanism tization projects in the judiciary and administration? What is it?		dy - The the Ministry of Digital Development has a division that coordinates digital projects with Adilet Sot. There is also a Deputy Minister tionally responsible for coordinating digital projects with the judiciary.
courts a	ne Case Management System of the allow for auto-generation of parts of icial acts?	No CMS	
	lges work remotely by accessing the lanagement System of the courts from nce?	No CMS	

No.	Indicator Component	Score	Justification for the scoring and sources			
Indicato	Indicator 1.1. Level of Development of E-governance and E-infrastructure					
1.1.1.	Level of internet penetration	1	38.2%			
1.1.2.	Level of development of electronic signatures	2	The Law "On Electronic Signature" is in force (http://cbd.minjust.gov.kg/act/view/ru-ru/111635). Article 2 of the law contains the legal concept of "Electronic signature" - information in electronic form, which is attached to other information in electronic form and (or) logically linked to it and which is used to determine the person on whose behalf the information is signed.  In addition, on the State Portal of Electronic Services (https://portal.tunduk.kg/help_support/one_chavo/4) there is a question and answer-explanation of what an electronic signature is.  There are organizations issuing electronic signatures, e.g. this one: https://infocom.kg/en/pki/			
1.1.3.	Level of development of electronic documents	2	The Law "On Electronic Signature" is in force (http://cbd.minjust.gov.kg/act/view/ru-ru/111635). According to Art. 6 of the Law, information in electronic form, signed with a qualified electronic signature, is recognized as an electronic document, equivalent to a paper document signed with a handwritten signature, except in cases where laws or other regulatory legal acts establish a ban on drawing up such a document in electronic form.  Such documents are being used in practice, mostly for tax reporting purposes.			
1.1.4.	Level of development of national electronic identification	2	The Regulation on national passports of citizens of the Kyrgyz Republic is in force, which was approved by Government Decree No. 196 dated April 3, 2017 (http://cbd.minjust.gov.kg/act/view/ru-ru/99891). Paragraph 6 of the Regulation states that:  - identification card - passport of a citizen of the Kyrgyz Republic of 2017 (ID-card) - a document proving the identity of a citizen of the Kyrgyz Republic and confirming belonging to the citizenship of the Kyrgyz Republic with information in text, machine-readable and electronic form, with an embedded electronic chip , which is an integral part of the passport . The ID-card is used on the territory of the Kyrgyz Republic and beyond its borders on the basis of international agreements that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party;  - a general passport of a citizen of the Kyrgyz Republic of the 2020 sample - a document proving the identity of a citizen of the Kyrgyz Republic and confirming belonging to the citizenship of the Kyrgyz Republic outside the Kyrgyz Republic, giving the right to enter / exit from / to the Kyrgyz Republic, with information in text, machine-readable and electronic form , with an embedded electronic chip , which is an integral part of the passport.  Information about the electronic identification card is also contained on the website of the State Registration Service under the Ministry of Justice of the Kyrgyz Republic (https://grs.gov.kg/ru/eid/digital_signature/)			

1.1.5.	Level of online access to administrative services	2	The list and types of electronic services are indicated on the website:  • State Registration Service under the Ministry of Justice of the Kyrgyz Republic - <a href="https://grs.gov.kg/ru/">https://grs.gov.kg/ru/</a> • State portal of electronic services - <a href="https://portal.tunduk.kg/">https://portal.tunduk.kg/</a> • judicial system - <a href="http://act.sot.kg/ru">http://act.sot.kg/ru</a> People with computer skills are actively using such services.
1.1.6.	Level of broadband internet access	1	48,46 MbPS as per https://www.speedtest.net/global-index checked on 2 October 2022

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	r 1.2. Overall level of development of	justice syste	n digitalisation
			It is difficult to make an unambiguous assessment, since the State target program "Development of the judicial system of the Kyrgyz Republic for 2019-2022" was officially approved by the parliament, but there is no public information on the results of its implementation: reports to the parliament, information on the websites of the Government, the Ministry of Finance and the courts - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/88104">http://cbd.minjust.gov.kg/act/view/ru-ru/88104</a>
1.2.1.	Status of e-Justice strategy	3	Still, the following are examples of implemented tasks under the strategy:
			Implementation systems audio , video recording judicial court hearings _
			Implementation systems automated distribution cases
			<ul> <li>Development Strategic plan on informational technologies for development judicial systems - <a href="http://sot.kg/post/strategicheskij-plan-po-informatsionnym-tehnologiyam-dlya-razvitiya-sudebnoj-sistemy-kyrgyzskoj-respubliki-na-2019-2022-gody">http://sot.kg/post/strategicheskij-plan-po-informatsionnym-tehnologiyam-dlya-razvitiya-sudebnoj-sistemy-kyrgyzskoj-respubliki-na-2019-2022-gody</a></li> </ul>
1.2.2.	Case management system (CMS) deployment rate	1	The beginning of the development of the software is only scheduled for 2022. Information received in an interview
1.2.3.	Level of integration of the Case Management System	1	No CMS
			Data collected based on the review of information provided in information portals (websites) of the justice system :
			website of the Council of Judges of the Kyrgyz Republic - <a href="http://kenesh.sot.kg/">http://kenesh.sot.kg/</a>
			website of the Supreme Court of the Kyrgyz Republic - <a href="http://sot.kg/">http://sot.kg/</a>
			website of the Constitutional Court of the Kyrgyz Republic - <a href="https://constsot.kg/ru/">https://constsot.kg/ru/</a>
			<ul> <li>portal of court sessions and judicial acts - <a href="http://act.sot.kg/ru">http://act.sot.kg/ru</a></li> </ul>
	Official information about the		website of the Judicial Department under the Supreme Court - <a href="http://suddep.sot.kg/">http://suddep.sot.kg/</a>
1.2.4.	justice system available over the internet	3	<ul> <li>website "Adilet Sot" information technology institution under the Judicial Department under the Supreme Court of the Kyrgyz Republic (Adilet Sot) - <a href="http://e-sot.kg/">http://e-sot.kg/</a></li> </ul>
			Contact details of the courts can be found for example here - <a href="http://sot.kg/structure/http-bgs-sot-kg">http://sot.kg/structure/http-bgs-sot-kg</a> or here: <a href="http://kenesh.sot.kg/page/contacts">http://kenesh.sot.kg/page/contacts</a>
			Schedules _ of court hearings are available - the Supreme Court can be seen here - <a href="http://sot.kg/acts_cat/spisok-del-k-slushaniyu/">http://sot.kg/acts_cat/spisok-del-k-slushaniyu/</a> other courts here - <a href="http://act.sot.kg/ru">http://act.sot.kg/ru</a>
			However paragraph (3) Scoring Definitions - forms that can be used by citizens and businesses for various filings with the court - yet not implemented on the these sites.

No.	Indicator Component	Score	Justification for the scoring and sources
1.2.5.	Publication of court judgments and free online access to them	2	There is a portal of court sessions and judicial acts, where judicial acts are published - <a href="http://act.sot.kg/ru">http://act.sot.kg/ru</a> However, it's fair to note that on the this site - either none or very few of the judgments of the lower-level courts are available with no opportunities for searches based on keywords
Indicato	or 1.3. Digitisation of court processes		
1.3.1.	Availability and use of e-filing	1	The existing Civil Procedure Code does not contain any provisions.
1.3.2.	Availability and use of electronic service of process (e-service)	1	No
1.3.3.	Possibility to check case files and track case progress remotely	1	There is no such possibility
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	2	In criminal cases, the law (CPC) allows the use of trial by videoconferencing (remote participation). This is, for example, Article 290 of the Code of Criminal Procedure.  In civil and administrative cases, the law does not contain such a provision. Therefore, the courts do not conduct remote proceedings. Although the equipment is technically installed in the courts and the program allow this. And so far there is no legislative initiative to amend the Civil Procedure Code and the APC.  In the International Court of Arbitration at the Chamber of Commerce and Industry, the Rules of the Court contain rules on holding remote hearings. And technically such hearings are held in practice.  It is possible to use the System of audio and video recording of court sessions, storage and destruction of audio and video recordings, and provision of materials of audio and video recording of court sessions to participants in the process and their representatives - <a href="http://suddep.sot.kg/pag/avf">http://suddep.sot.kg/pag/avf</a> . On the same site, the user can familiarize himself with the Regulatory legal documents on this issue.  This system is used in practice, you can look at the interactive map of the hardware-software complex "Audio-Video-Fixations" - there are courts, courtrooms and other information: <a href="http://suddep.sot.kg/page/avf">http://suddep.sot.kg/page/avf</a> A score of 2 is assigned because videohearings are available only in criminal cases.
1.3.5.	Court fees	2	The website of the Supreme Court has a calculator for calculating the amount and size of the state fee - <a href="http://sot.kg/page/calculator">http://sot.kg/page/calculator</a> Online payment is not available.
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	No

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	r 1.4. Stakeholder engagement		
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There is no legislation, practice and general public discussion on the introduction of monetary rewards and incentives for conducting certain judicial actions in electronic form.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	1	No
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	2	Court user surveys were conducted by the courts/judiciary in the development and preparation of State target program "Development of the judicial system of the Kyrgyz Republic for 2019-2022" with donor support. For example, the USAID Trust in the Court Program helped implement performance evaluation mechanisms, including surveys of participants in litigation and members of the judiciary - <a href="https://www.usaid.gov/ru/kyrgyz-republic/fact-sheets/trusted-judiciary">https://www.usaid.gov/ru/kyrgyz-republic/fact-sheets/trusted-judiciary</a> Or another example - <a href="https://rus.azattyk.org/a/kyrgyzstan_court_rating/29501608.html">https://rus.azattyk.org/a/kyrgyzstan_court_rating/29501608.html</a> The judicial system itself does not conduct court surveys.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimen	sion 2. Commercial Dispute Resolution		
the pur	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		special law "On Arbitration Courts in the Kyrgyz Republic", according to which, from time to time, in accordance with an arbitration or law, they can be submitted for consideration to a permanent arbitration court or a one-time arbitration court (Article 3 - <a href="http://cbd.ckg/act/view/en-us/1092">http://cbd.ckg/act/view/en-us/1092</a> ). Exceptions when cases cannot be considered in arbitration courts are provided for in Art. 45 of the law. definition of commercial case.
resolut three y the pra litigation resolut	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		no reforms in the field of arbitration courts. In the field of ADR, in 2017, the Law "On Mediation" was adopted - <a href="http://cbd.minjust.gov.kg/l-ru/111668">http://cbd.minjust.gov.kg/l-ru/111668</a> . However, the reforms stopped there. So far, there is no widespread practice of applying this law.
pander	nas been the impact of the COVID-19 mic on commercial litigation in the y, e.g. introducing more electronic ctions?	topic. I note the System As for arbiti to the rules through the	to assess how the COVID-19 pandemic has affected commercial litigation in the country, as there are no publications and studies on this that in state courts during COVID-19, they began to hold sessions remotely. And we can say that as a result, they actively began to use of audio and video recording of court sessions (link above).  Tration courts. The International Arbitration Court at the Chamber of Commerce and Industry of the Kyrgyz Republic adopted amendments of the court, according to which hearings can be held remotely. For example - "online arbitration or online arbitration" - arbitration use of electronic methods of transmission and storage of information, including the arbitration room, which is held without oral hearings, ocuments submitted by the parties in electronic form through the arbitration room - <a href="http://www.arbitr.kg/web/index.php?act=view_">http://www.arbitr.kg/web/index.php?act=view_</a>
Numbe	Number of female/male judges in the country.		.40 female judges out of a total of 501 judges. Of these, 109 are women judges in the first instance.
	er of female/male first-instance ercial judges in the country.	Such statis	tics are not available from open sources.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	r 2.1. Level of specialisation of commo	ercial dispute	resolution
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	1	There are currently no state courts with special jurisdiction. In May 2020, a reform was carried out and the courts that considered economic and commercial disputes were abolished. Now these cases are considered by the courts of general jurisdiction.  Budgetary reasons prompted this reform  Also found such level of specialization is not necessary  They were only at higher-level territorial districts but it prevented access to justice at lower-level administrative unit.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	There are no special features.
2.1.3.	Inception training in commercial law for commercial judges	1	There is no mandatory or voluntary training in commercial law for civil litigation judges who may hear commercial cases upon admission/appointment.
2.1.4.	Continuous (regular) commercial law training for commercial judges	2	According to the law on the status of judges, advanced training of judges is carried out in accordance with the training programs at least once every 3 years (Article 9 <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/112311?cl=ru-ru">http://cbd.minjust.gov.kg/act/view/ru-ru/112311?cl=ru-ru</a> ). The curriculum includes topics on commercial matters. They are not mandatory
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Associate judges and other specialized law clerks receive no special training in commercial law.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	or 2.2. Use of mediation/ADR tools		
2.2.1.	Availability of mediation in civil/commercial disputes	2	According to the Mediation Law, the judge, the arbitrator of the arbitration court, has the right to direct the parties to mediation. But this is not a mandatory procedure.
2.2.2.	Availability of an official register of mediators accessible online	3	According to the law, mediators of the Kyrgyz Republic form the republican community of mediators. The site has a register of mediators - <a href="http://mediator.kg/mediators/">http://mediator.kg/mediators/</a>
2.2.3.	Availability of incentives for mediation	1	There are no incentives under the law to use mediation in commercial disputes.
2.2.4.	Enforceability of mediation settlement agreements	2	According to the law, at the request of the parties, the mediation agreement can be certified by a notary. On the basis of a mediation agreement, the court or the arbitration court may approve the settlement agreement in accordance with the procedural law or the applicable rules of the arbitration court (Article 22 of the law).
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	Online solutions for out-of-court settlement of commercial disputes do not exist.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	r 2.3. Efficiency and effectiveness of c	commercial lit	tigation (to be assessed only if statistical disaggregation of commercial cases is available)
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/ commercial cases	N/A	
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	

No.	Indicator Component	Score	Justification for the scoring and sources	
Dimen	sion 3. Uncontested Procedures for Enfo	orcing a Clair	n	
	What is the name of the procedure (e.g., order		to the Civil Procedure Code, there is an order procedure. A court order is a decision of a judge issued by him alone at the request of the cording to the requirements provided for in Article 246 of the Code - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/111521?cl=ru-ru#st_246">http://cbd.minjust.gov.kg/act/view/ru-ru/111521?cl=ru-ru#st_246</a> . Ler is at the same time an executive document and is enforced in the manner prescribed by the code for the execution of judicial acts and ition on enforcement proceedings.	
based	ment, issuance of a writ of execution on document, other)? If there are I such procedures, please, describe		so a second method to obtain an enforceable title for uncontested claims – by using a procedure with the notaries public under <b>The Law</b> ement agents and enforcement procedure <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/111522">http://cbd.minjust.gov.kg/act/view/ru-ru/111522</a>	
each c	f them.	For exampl	e, article 17 indicates - 4) notarized certified agreements about payment alimony; 5) executive inscriptions notaries;	
			receiving regulated law - On Notaries - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/78">http://cbd.minjust.gov.kg/act/view/ru-ru/78</a> And there is Instruction for notaries d.minjust.gov.kg/act/view/ru-ru/95038	
	authority is entrusted with examining that may be uncontested by the debtor?	To the court of general jurisdiction and personally to the judge who is considering the case.		
claims	courts are competent to examine such , do the general rules of territorial ction apply to them or is the process lized?	The genera	al rules of territorial jurisdiction apply to courts.	
		A court ord	er is issued on claims for the recovery of sums of money or the recovery of movable property from the debtor in cases where:	
		1) the clain	n is based on a notarized transaction;	
		l '	n is based on a transaction made in a simple written form;	
	claims is the procedure applicable to nly claims based on certain trustworthy		and is based on a protest of the bill of non-payment, non-acceptance and non-dating of the acceptance, made by a notary;	
docum	ents such as checks, bills of exchange,	'	has been made for the recovery of alimony for minor children, not related to the establishment of paternity, challenging paternity ity) or the need to involve third parties;	
	deeds, utility claims, or also all types of deeds, utility claims, or also all types of	5) a claim l	has been filed for the recovery of arrears on taxes and other obligatory payments;	
31111 611		6) a claim l	has been made for the recovery of wages accrued but not paid to the employee;	
		'	nd has been filed by the authorized state body to recover the costs of searching for the defendant or the debtor and his property, as well as if taken from the debtor by a court decision;	
		8) a claim l	has been filed for the recovery of arrears in payment for housing and communal services and telecommunication services.	
	e a monetary threshold for applying the tested claims procedure?	No, there is	s no such threshold.	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicato	r 3.1. Ease of filing		
3.1.1.	Effective self-representation	2	According to the Code of Civil Procedure, it is allowed to conduct business independently and through a representative, including a lawyer.
3.1.2.	Availability and use of forms for filing the claim	1	According to the Code of Civil Procedure and practice, there are no standard forms for filing a claim. However, there are requirements for the form (in writing) and content of the claim (mandatory details): Article 248 of the Code of Civil Procedure <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/111521?cl=ru-ru">http://cbd.minjust.gov.kg/act/view/ru-ru/111521?cl=ru-ru</a> .
3.1.3.	Availability and use of online filing	1	According to the Code of Civil Procedure and practice, a claim cannot be filed online.
3.1.4.	Level of court fees for filing a claim	2	From applications for the issuance of a court order on property disputes - 50 percent of the state fee payable when filing a regular claim is paid - <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/13492">http://cbd.minjust.gov.kg/act/view/ru-ru/13492</a>
3.1.5.	Simplified rules on attachment of evidence to the claim	1	According to the Code of Civil Procedure, it is always necessary to attach documentary evidence to the claim and submit it in paper form.

No.	Indicator Component	Score	Justification for the scoring and sources		
Indicato	Indicator 3.2. Efficient processing				
3.2.1.	Predictability of the timelines for pronouncement	2	According to Art. 250 Code of Civil Procedure with a court order issued within three days from the date of receipt of the claim in court. However, in practice they are not respected by all courts/judges.		
3.2.2.	Length of timelines for pronouncement	2	Typically, the terms for making a decision on claims are from 1 to 3 months.		
3.2.3	Availability of options for service to the debtor without proof of receipt	2	According to Article 131 of the Code of Civil Procedure, it is considered duly notified if the court has information about the receipt by the addressee of the notification sent to him. Persons are also considered duly notified by the court:  1) if the addressee refused to receive the notice (summon) and this refusal is recorded;  2) if, despite the postal notice, the addressee did not appear to receive the notice (summon) of the court sent by the court in accordance with the established procedure, of which the communication body informed the court;  3) if the notice (summon) sent by the court to the last place of residence of the natural person known to the court or the location of the legal entity is not delivered due to the absence of the addressee at the specified address.		
3.2.4.	Ease of debtor's objection	2	According to the Code of Civil Procedure, debtors may object to a claim without providing any explanations/justifications		

No.	Indicator Component	Score	Justification for the scoring and sources		
Indicato	Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition				
3.3.1.	Consequence of debtor's lack of objection	2	If the debtor is silent, the court order enters into force. If the debtor objects, regardless whether fully or partially, the court repeals the court order and advises the creditor that he or she may seek to enforce in the framework of a litigious case.		
3.3.2.	Launching the litigious stage of the procedure	1	In the ruling on the cancellation of the court order, the judge explains to the creditor that the stated requirement can be brought in the order of action proceedings (Article 253 of the Code of Civil Procedure)		
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	1	The fee is the same amount as in the case of filing a claim without writ proceedings.		
3.3.4.	Management of statements of opposition	1	Courts and judges do not monitor objections and do not analyze statistics to improve the efficiency of the procedure		

No.	Indicator Component	Score	Justification for the scoring and sources	
Dimens	Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
claims p procedu there ar	the name of the procedure (e.g., small procedure, simplified procedure, written are, fast-track procedure, other)? If e several such procedures, please, e each of them.	No procedui	re	
	a special small claims court or a court division examining small claims?	No procedui	re	
	the monetary threshold for the bility of the procedure?	No procedui	re	
What cla	aims is the procedure applicable to?	No procedui	re	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	No procedure	
4.1.2.	Existence of forms for filing the claim	No procedure	
4.1.3.	Availability and use of online filing	No procedure	
4.1.4.	Guidance to self-represented litigants	No procedure	

No.	Indicator Component	Score	Justification for the scoring and sources	
Indicato	Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	No procedure		
4.2.2.	Simplified evidentiary rules	No procedure		
4.2.3.	Simplified rules on hearings	No procedure		
4.2.4.	Special rules on encouraging conciliation or mediation	No procedure		
4.2.5.	Simplified content of the judgment	No procedure		
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	No procedure		

#### Contact

Yulia Shapovalova Principal Counsel Legal Transition Team European Bank for Reconstruction & Development

ShapovaY@ebrd.com

### © European Bank for Reconstruction and Development, 2023

All rights reserved. Reproduction and dissemination of material contained in this publication for educational or other non-commercial purposes are authorised without any prior written permission from the copyright holders, provided the source is fully acknowledged and a notification is sent to: <a href="mailto:permissions@ebrd.com">permissions@ebrd.com</a>.

The contents of this publication reflect the opinions of individual authors and do not necessarily reflect the views of the EBRD. Terms and names used in this report to refer to geographical or other territories, political and economic groupings and units, do not constitute and should not be construed as constituting an express or implied position, endorsement, acceptance or expression of opinion by the European Bank for Reconstruction and Development or its members concerning the status of any country, territory, grouping and unit, or delimitation of its borders, or sovereignty.

Designed by Red Rocket Graphic Design | www.redrocket.co.uk

