

**RUSSIAN FEDERATION**  
**THE FEDERAL LAW**  
**ON JURISDICTIONAL IMMUNITIES**  
**OF FOREIGN STATES AND THE PROPERTY OF FOREIGN**  
**STATES IN THE RUSSIAN FEDERATION**

Adopted by  
the State Duma  
on 23 October 2015

Approved by  
the Federation Council  
on 28 October 2015

**Article 1. The subject of regulation of this Federal Law**

1. This Federal Law regulates the relations related to the application by the Russian Federation of the jurisdictional immunities of a foreign state and its property.

2. The foreign state shall enjoy jurisdictional immunities in its own respect and in respect of its property according to the provisions of this Federal Law.

3. The provisions of this Federal Law shall be applicable unless the Russian Federation and the foreign state agreed otherwise.

**Article 2. Basic concepts used in this Federal Law**

For the purposes of this Federal Law, the following basic concepts are used:

1) a foreign state:

a) a state other than the Russian Federation and its bodies of state power;

b) constituent entities of the foreign state (entities of a foreign federal state or administrative-territorial constituencies of a foreign state) and their bodies to the extent they are authorized to perform acts aimed at exercising the sovereign power of this foreign state and act in this capacity;

c) institutions or other entities, regardless of whether they are legal entities, to the extent they are authorized to perform and actually perform actions aimed at

exercising sovereign power of that foreign state;

d) representatives of a given foreign state acting in this capacity;

2) property of a foreign state - property belonging to a foreign state and located on the territory of the Russian Federation;

3) jurisdictional immunities of a foreign state and its property - judicial immunity, immunity in respect of measures to secure a claim and immunity in respect of the enforcement of a court decision;

4) judicial immunity - the duty of the court of the Russian Federation to refrain from engaging a foreign state to participate in the court proceedings;

5) immunity in respect of measures to secure a claim - the obligation of the court of the Russian Federation to refrain from applying in respect of a foreign state and property of a foreign state, an arrest and other measures to secure subsequent consideration of the dispute and (or) enforcement of a court decision;

6) immunity in respect of execution of a court decision - the obligation of the court of the Russian Federation or the federal executive body exercising the functions of enforcing judicial acts, acts of other bodies and officials, to refrain from recovery proceedings in respect of the property of a foreign state, applying towards a foreign state and its property other measures to enforce the court decision;

7) the court of the Russian Federation - the Supreme Court of the Russian Federation, the federal court of general jurisdiction, the arbitration court established in accordance with the Constitution of the Russian Federation, federal constitutional laws and federal laws;

8) sovereign authoritative powers - the powers which a foreign state possesses by virtue of its sovereignty and exercises in order to implement its sovereign power.

### **Article 3. Privileges and immunities not affected by this Federal Law**

1. This Federal Law shall not prejudice the privileges and immunities which, in accordance with the rules of international law, a foreign state enjoys in the exercise of the functions of its diplomatic missions, consular offices, special missions, missions to international organizations or delegations to bodies of international organizations or international conferences and those enjoyed by persons engaged in them.

2. This Federal Law shall not prejudice the privileges and immunities granted to the heads of state, government or foreign ministers in accordance with the

international law.

3. This Federal Law shall not prejudice the immunities which, in accordance with the rules of international law, a foreign state enjoys with respect to aircraft or space objects owned or operated by a foreign state, as well as warships and other state-owned vessels operated for non-commercial purposes.

#### **Article 4. The principle of reciprocity in application of jurisdictional immunities**

1. Jurisdictional immunities of a foreign state and its property in the scope granted by this Federal Law may be restricted on the basis of the principle of reciprocity given the restrictions have been identified on granting jurisdictional immunities to the Russian Federation and its property in a foreign state in respect thereof and the property thereof the issue of jurisdictional immunities arose.

2. The federal executive body carrying out the functions of developing and implementing state policy and legislative regulation in the sphere of international relations of the Russian Federation, in accordance with the procedure established by the procedural law of the Russian Federation, shall provide opinions on the issues of granting jurisdictional immunities of the Russian Federation and its property in a foreign country.

#### **Article 5. Consent of a foreign state to exercise jurisdiction by a court of the Russian Federation**

1. A foreign state does not enjoy judicial immunity in the Russian Federation if it has explicitly expressed its consent to the exercise of jurisdiction by the court of the Russian Federation over a particular dispute because of:

- 1) an international treaty;
- 2) a written agreement which is not an international treaty;

3) a claim in the court of the Russian Federation, written notification to the court of the Russian Federation, or written notification sent to the Russian Federation through diplomatic channels, within the framework of the judicial proceedings in respect of a particular dispute.

2. The consent of a foreign state to the exercise of jurisdiction by the court of the Russian Federation over a particular dispute provided for by part 1 of this Article may not be withdrawn and shall extend to all stages of the judicial proceedings.

3. The following shall not be considered as a consent of a foreign state to the

exercise of jurisdiction by the court of the Russian Federation over a particular dispute:

1) the entry of a foreign state into a judicial process or any other procedural action with the sole purpose of declaring jurisdictional immunities or providing evidence of existence of a right in respect of the property that is the subject of the dispute;

2) the consent of a foreign state to apply the legislation of the Russian Federation with respect to a particular dispute;

3) non-participation of a foreign state in the judicial process in the court of the Russian Federation;

4) the appearance of a representative of a foreign state in the court of the Russian Federation for providing evidence or as an expert.

4. The consent of a foreign state to the exercise jurisdiction by a court of the Russian Federation over a particular dispute does not affect the immunity of a foreign state with respect to measures to secure a claim and (or) immunity of a foreign state with respect to enforcement of a court decision.

## **Article 6. Waiver of judicial immunity**

1. A foreign state is deemed to have waived judicial immunity if the foreign state brought an action in the Russian court, entered into a lawsuit in the court of the Russian Federation on the merits of the dispute as a person participating in the case or took a different action on the merits of the case.

2. A foreign state is deemed to have waived judicial immunity in respect of disputes relating to an arbitration or arbitration agreement if that foreign state has entered into an arbitration agreement on settlement of disputes that have arisen or may arise in the future in connection with the performance of obligations.

3. A foreign state is deemed to have waived judicial immunity in respect of any counterclaim if the foreign state brought an action in the court of the Russian Federation.

4. A foreign state is recognized as having waived judicial immunity in respect of the original claim, if this foreign state has filed a counter-claim in the court of the Russian Federation.

5. The refusal of a foreign state from judicial immunity in respect of a particular dispute may not be withdrawn and shall extend to all stages of the trial.

6. The refusal of a foreign state from judicial immunity in respect of a

particular dispute shall not be considered as a refusal of that foreign state from immunity in respect of measures to secure a claim and immunity with respect to the enforcement of a court decision.

**Article 7. Non-application of judicial immunity in respect of disputes involving the participation of a foreign state in civil transactions and (or) the implementation of business and other economic activities**

1. A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes involving the participation of a foreign state in civil transactions with individuals or legal entities or other entities that do not have the status of a legal entity or another state if such disputes, in accordance with the applicable legal norms, are subject to the jurisdiction of the courts of the Russian Federation and the specified transactions are not associated with the exercise by a foreign state of its sovereign powers.

2. The provisions of part 1 of this Article shall not apply where all parties to a civil transaction are States or if the parties to such a transaction have agreed otherwise.

3. A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes related to the performance by a foreign state of business and other economic activities in the territory of the Russian Federation, as well as in the territory of another state, if the consequences of such activities will have connection with the territory of the Russian Federation.

4. When deciding whether a transaction committed by a foreign state involves the exercise of its sovereign power, the court of the Russian Federation shall take into account the nature and purpose of such transactions.

**Article 8. Non-application of judicial immunity in respect of labor disputes**

1. A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes arising on the basis of an employment contract between that foreign state and an employee regarding work that was or will be performed in full or in part in the territory of the Russian Federation.

2. The provisions of part 1 of this section shall not apply if:

1) an employee was hired to perform specific duties involving the exercise of sovereign power of a foreign state;

2) an employee is:

a) a diplomatic agent, as defined by international treaties;

b) a consular officer, as defined by international treaties;

c) a diplomatic officer of permanent missions to international organizations, special missions or included in this capacity as a member of a delegation of a foreign country in the body of an international organization or at an international conference;

d) any other person enjoying diplomatic immunity;

3) the subject of legal proceedings is recruitment, continuation of the performance of the labor function or reinstatement at work;

4) the subject of legal proceedings is the termination of the employment relations with the employee; and the head of a foreign state, the head of the government of a foreign state or the foreign minister of a foreign state confirms in writing that such proceedings will affect the security interests of this foreign state;

5) an employee at the time of opening of case proceedings in a court of law of the Russian Federation is a citizen of a foreign country with whom he/she has entered into a labor contract for work, unless this employee has a residence in the Russian Federation.

**Article 9. Non-application of judicial immunity in respect of disputes related to participation in legal entities or other entities that do not have the status of a legal entity**

1. A foreign state does not enjoy judicial immunity in the Russian Federation with respect to disputes involving the participation of a foreign state in legal entities or other entities that do not have the status of a legal entity and that arose between a foreign state and a legal entity registered in accordance with the procedure established by the legislation of the Russian Federation and (or) carrying out its activities in the territory of the Russian Federation, or by another entity that does not have the status of a legal entity that carries out its activities on the territory of the Russian Federation, or between foreign countries and other participants of such legal person or such education, if such legal person or such education has other members, along with the states and (or) interstate and (or) intergovernmental organizations.

2. The provisions of part 1 of this Article shall not apply in cases, if otherwise:

1) provided for by agreement between the States concerned;

2) is contained in a document which founds this legal entity or this entity or regulates its activities;

3) is agreed upon by the parties to the dispute in writing.

**Article 10. Non-application of judicial immunity in respect of disputes over property rights**

A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes concerning:

- 1) rights and obligations of this foreign state in respect of immovable property located on the territory of the Russian Federation;
- 2) the rights and obligations of this foreign state in respect of immovable and movable property arising from inheritance, gift or presence of ownerless property;
- 3) rights and obligations of this foreign state in relation to property management.

**Article 11. Non-application of judicial immunity in respect of disputes over compensation for harm**

A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes over compensation for damage caused to life, health, property, honor and dignity, business reputation of an individual or to property, business reputation of a legal entity if the claim arose from causing harm to life, health, property, honor and dignity, business reputation by an action (omission) or in connection with another circumstance that occurred wholly or partially in the territory of the Russian Federation and the cause of harm was on the territory of the Russian Federation at the time of such action (omission).

**Article 12. Non-application of judicial immunity in respect of disputes related to intellectual property**

A foreign state does not enjoy judicial immunity in the Russian Federation with respect to disputes related to:

- 1) the establishment and implementation of the rights of a foreign state to the results of intellectual activity and the means of individualization of legal persons, goods, works, services and enterprises equivalent to them;
- 2) the alleged violation by a foreign state of the rights of other persons to the results of intellectual activity and the means of individualization of legal persons, goods, works, services and enterprises equivalent to them.

**Article 13. Non-application of judicial immunity in respect of disputes related to the operation of a ship**

1. A foreign state shall not enjoy judicial immunity in the Russian Federation with respect to disputes related to the operation by a foreign state of a ship owned or operated by it, or the carriage of cargo by that ship, if at the time of emergence of the fact that served as the basis for the claim, the vessel was used by the foreign state in question for other than non-commercial purposes, and (or) the cargo was not a cargo belonging to a foreign state and used or intended to be used by it solely to exercise the sovereign powers.

2. For the purposes of this Article, the following concepts shall have the following meaning:

1) the vessel - all types of floating equipment that are used or can be used as a means of transportation in waters;

2) the vessel used for non-commercial purposes shall be understood the vessels used for the exercise by a foreign state of sovereign powers, including warships and state ships operated for non-commercial purposes;

3) disputes related to the operation of the vessel shall be understood disputes in respect of:

a) collision of vessels, damage to port and hydraulic structures or other navigational accidents;

b) assistance, rescue and general emergency;

c) supplies, repairs and other works, rendering services related to the vessel;

d) consequences of pollution of the marine environment;

e) recovery of sunken property.

#### **Article 14. The immunity of a foreign state in relation to measures to secure a claim**

A foreign state shall enjoy immunity with respect to measures to secure a claim, unless a foreign state:

1) expressly agreed to take appropriate measures by one of the methods provided for by Part 1 of Article 5 of this Federal Law;

2) reserved or otherwise designated the property in case of granting the claim over the disputed property.

#### **Article 15. Immunity of a foreign state in respect of enforcement of a court decision**



A foreign state enjoys immunity with respect to the enforcement of a court decision, unless:

- 1) a foreign state explicitly expressed its consent to take appropriate measures by one of the methods provided for by Part 1 of Article 5 of this Federal Law;
- 2) a foreign state has reserved or otherwise designated the property in case of granting the claim over the disputed property.
- 3) it was established that the property of a foreign state is used and (or) intended for use by this foreign state for purposes not related to the exercise of sovereign power.

**Article 16. Property of a foreign state that enjoys immunity in respect of measures to secure a claim and immunity in respect of enforcement of a court decision**

1. Immunity in respect of measures to secure a claim and immunity in respect of enforcement of a court decision shall be enjoyed by the following property of a foreign state owned by it, and intended for being used or used by the state on its behalf in the activities related to the exercise of its sovereign powers:

- 1) property (including funds in a bank account) used or intended for performance of the functions of diplomatic representations of a foreign state or its consular institutions, special missions, missions to international organizations, delegations of a foreign state in the organs of international organizations or at international conferences;
- 2) military property or property used or intended for use for military purposes or in peacekeeping operations recognized by the Russian Federation;
- 3) cultural values or archives not offered for sale or not intended for sale;
- 4) property that is part of the exhibition expositions, representing scientific, cultural or historical interest and not put up for sale or not intended for sale;
- 5) property of the Central Bank or other supervisory authority of a foreign state, which functions include banking supervision.

2. The provisions of Part 1 of this Article shall apply subject to the provisions of Article 14 and paragraphs 1 and 2 of Article 15 of this Federal Law.

**Article 17. Legal proceedings in cases involving a foreign state**

Proceedings involving a foreign state shall be examined by a court of the

Russian Federation in the procedure established by the procedural legislation of the Russian Federation.

**Article 18. Entry into force of this Federal Law**

This Federal Law shall enter into force on 1 January 2016.

President of the  
Russian Federation  
VLADIMIR PUTIN

Moscow, Kremlin

3 November 2015

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