

(Unofficial translation)

LAW OF THE REPUBLIC OF TAJIKISTAN

ABOUT THE INTERNATIONAL COMMERCIAL ARBITRATION

This Law governs the relations connected with the organization and activities of the international commercial arbitration and also the procedure and conditions of recognition and execution of decisions of the international commercial arbitration in the territory of the Republic of Tajikistan.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Coverage of this Law

1. This Law is applied to the permanent international commercial arbitration created according to provisions of Chapter 2 of this Law and also to the one-off international commercial arbitration created for consideration of the specific dispute in the territory of the Republic of Tajikistan.

2. The disputes arising from contractual relations and other civil relations between their subjects when implementing the foreign trade and other international commercial ties, by agreement of the parties, can be transferred to the international commercial arbitration if one of the commercial organizations of the parties is outside the Republic of Tajikistan.

3. The international commercial arbitration can also consider other disputes having economic nature if the agreement of the parties provides transfer of the dispute to the international commercial arbitration, and it does not contradict the legislation of the Republic of Tajikistan.

4. Operation of this Law does not extend to reference tribunals.

Article 2. Basic concepts

In this Law the following basic concepts are used:

- *arbitration* - the international commercial arbitration acting on the permanent basis (further – permanent arbitration), the international commercial arbitration, one-time educated especially for consideration of the specific dispute (further - one-off arbitration);

- *the arbitrator* – the physical person elected by the parties, or appointed according to the procedure, established by this Law, for the dispute resolution in arbitration;

- *arbitration proceeding* - process of consideration of the dispute in arbitration with pronouncement of the arbitral decision;

Regulations of arbitration – the document determining the procedure for the organization of activities of permanent arbitration which is prepared and affirms his founder;

- *the arbitration agreement* - the written agreement of agreement parties about transfer of the arisen dispute, or dispute which can arise in the future that can be concluded in the agreement type, the arbitration clause in the agreement or by exchange of the letters, telegrams, faxes, electronic documents or other documents determining declarations of will of subjects and their content;

- *competent court* - court of judicial system of the Republic of Tajikistan which according to the economic procedural legislation of the Republic of Tajikistan is authorized to consider cases on the dispute between the parties of the relevant agreement over the first instance;

- *public order of the Republic of Tajikistan* - the bases of the state and social fabric provided in the legislation of the Republic of Tajikistan;

- *the arbitration clause* - the structural part of the arbitral agreement, agreement of the parties on the dispute resolution arising from the agreement by specifying of the clause;

- *the arbitral decision* - the document accepted by arbitration as a result of the solution of case on the being.

Article 3. Legislation of the Republic of Tajikistan on the international commercial arbitration

The legislation of the Republic of Tajikistan on the international commercial arbitration is based on the Constitution of the Republic of Tajikistan and consists of this Law, other regulatory legal acts of the Republic of Tajikistan, and also the international legal acts recognized by Tajikistan.

Article 4. Principles of activity of arbitration

Activity of arbitration is based on the following principles:

- equality of participants;
- freedom of choice parties of structure of arbitration, applicable law, procedure and language of arbitral justice;
- contractual cognizance of all cases in point;
- priority of the conventional principles of international law;
- independence of arbitration and arbitrators;
- confidentiality of hearing of cases;
- assistance to the end of dispute by means of the conclusion the parties of the voluntary settlement;
- finality of the decisions passed by arbitration.

CHAPTER 2.

ORDER OF CREATION OF ARBITRATION AND ITS BODIES

Article 5. Legal status of arbitration

1. The arbitration is the non-profit organization performing activity on the paid basis.
2. The permanent arbitration is legal entity.
3. Any interventions in activity of permanent arbitration it is forbidden.

Article 6. Creation of permanent arbitration

1. The permanent arbitration is created at Chamber of Commerce and Industry of the Republic of Tajikistan which main goal of activity is assistance to development of foreign trade and other international economic relations with foreign legal entities and individual entrepreneurs.

2. The permanent arbitration has the charter approved by her founder and as the legal entity is subject to state registration in the order established by the legislation of the Republic of Tajikistan.

Article 7. Structure of permanent arbitration

The structure of permanent arbitration and competence of its bodies are defined by the Charter and arbitration Regulations according to provisions of this Law.

Article 8. Bodies of permanent arbitration

1. Bodies of permanent arbitration consist of the chairman, vice-chairmen and Presidium.
2. The presidium of permanent arbitration consists of the chairman of this arbitration, his deputies and other members of Presidium appointed from among arbitrators.
3. The chairman of permanent arbitration is appointed the founder of this arbitration. Vice-chairmen and members of Presidium are appointed on representation of the chairman of permanent arbitration by the founder of this arbitration.
4. The chairman, his deputies and members of Presidium of permanent arbitration are appointed for a period of five years.

Article 9. Competence of bodies of permanent arbitration

1. The presidium of permanent arbitration on representation of the chairman of this arbitration approves the referral list of arbitrators and performs other functions according to the Charter of permanent arbitration.

2. The chairman of permanent arbitration performs all actions for management of arbitration, except for the actions referred by this Law or the charter of permanent arbitration to exclusive competence of Presidium of this

arbitration.

3. Vice-chairmen of permanent arbitration perform the functions delegated by it the chairman of this arbitration.

Article 10. One-off arbitration

One-off arbitration is created in the order provided by this Law.

CHAPTER 3. ARBITRATION AGREEMENT

Article 11. Contents and form of the arbitration agreement

The arbitration agreement is signed in writing. The agreement is considered the prisoner if its conditions are provided in the document signed by the parties or is signed by the exchange of letters, messages by teletype, to telegraph or with use of other means of telecommunication providing record of such agreement or by the exchange of the action for declaration and the response for the claim in which one of the parties claims about availability of the agreement, and another does not object to it. The reference in the agreement on the document containing the arbitration clause is the arbitration agreement provided that the agreement is signed in writing, and this reference such is that does the mentioned clause it by part.

Article 12. Order of consideration of disputes

If the parties provided in the arbitration agreement transfer of dispute for consideration of arbitration, at absence in the agreement of other order of consideration of disputes, according to Regulations of arbitration consideration of dispute is recognized approved.

Article 13. Measures for providing the claim

The appeal of the parties to competent court to or during trial of matter in arbitration with the request to take measures for providing the claim, and also removal of determination by competent court about acceptance of such measures cannot repeal the arbitration agreement.

Article 14. Presentation of the claim for the being of dispute in competent court

1. The competent court to which the claim for the question which is the subject of the arbitration agreement is submitted leaves the claim without consideration if the either party asks about it no later than submission of the first statement on the substance of dispute. The competent court refuses satisfaction of this request if comes to the conclusion that the arbitration agreement is invalid, either became invalid, or cannot be performed.

2. Presentation of the claim in competent court for the question which is the subject of the arbitration agreement cannot become the obstacle for consideration of this case and decision by arbitration.

CHAPTER 4. STRUCTURE OF COMMERCIAL ARBITRATION AND ITS COMPETENCE

Article 15. Arbitrators

1. The arbitrator it is elected the natural person which reached twenty-five year age and having the higher education which is independent of the parties, directly or indirectly is not interested in outcome of the case, agreed to fulfillment of duties of the arbitrator (is designated).

2. The arbitrator resolving dispute solely shall have the higher legal education and length of service on legal specialty not less than two years. In case of the joint dispute resolution the chairman of arbitration shall have the higher legal education.

3. Requirements imposed to candidates for arbitrators can be approved by the parties directly or are defined by Regulations of arbitration.

4. The person cannot be the arbitrator:

- chosen or appointed the judge of competent court in the order established by the legislation of the Republic of Tajikistan;
- recognized by court in the order established by the legislation of the Republic of Tajikistan incapacitated or it is limited by capable;
- having not removed or unspent conviction;
- being the member of Majlisi Milli of Majlisi Oli of the Republic of Tajikistan, the deputy Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan;
- being the public servant.

Article 16. Election of arbitrators

1. The quantitative structure of arbitration for the dispute resolution is defined by the agreement of the parties, and in the absence of such agreement includes three arbitrators.
2. Nobody can be deprived of the right to become the arbitrator because of his nationality or citizenship if the parties did not agree about other.
3. The parties can determine by the mutual consent the order of election of the arbitrator or arbitrators on condition of observance of provisions of parts 4 and 5 of this article.
4. In case of absence about the order of election of the arbitrator or arbitration:
 - if the agreement of the parties or the international legal acts do not establish other, at structure of arbitration from three arbitrators, the claimant calls one arbitrator in the action for declaration, the defendant reports about the second arbitrator in the answer to the claim, and two electives thus of the arbitrator elect third (arbitrator chairman). If the parties do not appoint arbitrators before the expiration of 30 days from the moment of obtaining the action for declaration by the defendant of the copy or if two arbitrators within 10 days do not elect the third, appointment of structure of permanent arbitration is made by the chairman of this arbitration;
 - if the agreement of the parties or the international legal acts do not establish other, when electing structure of permanent arbitration, one-off arbitration, the parties do not agree about the arbitrator within 30 days since the moment when the defendant received or had to receive the action for declaration, election of the arbitrator of permanent arbitration and election of the arbitrator of one-off arbitration is made by the chairman of this arbitration.
5. If the agreement of the parties or the international legal acts do not establish other, and at the order of election of the arbitrator approved by the parties (according to part of 1 this article) one of the parties does not observe this order, either the parties or two arbitrators cannot reach the agreement, or the third party does not carry out what - or the function assigned to it within collateral order when electing the arbitrator, the chairman of this arbitration takes necessary measures in respect of structure of arbitration for consideration of specific dispute.
6. During the electing and appointment of the arbitrator the chairman of permanent arbitration considers those requirements at which observance appointment of the qualified, independent and impartial referee is provided.
7. The decisions made according to parts 2, 3 and 4 of this article are not subject to the appeal.

Article 17. Bases for challenge to arbitrator, expert, translator

1. Branch can only be declared to the arbitrator if there are circumstances raising reasonable doubts concerning his impartiality or independence or if he is not qualified, caused by the agreement of the parties. The party can declare branch to the arbitrator whom it appointed (chose) or in appointment (election) of which took part, only in connection with the circumstances which became to it known after its appointment (election).
2. The person who learned about possible appointment (election) as his arbitrator is obliged to report about circumstances which can raise reasonable doubts concerning his impartiality, independence or competence. If the arbitrator did not make it before appointment (election), he is obliged to report to the parties about any such circumstances as it is possible in course of production on case earlier.
3. The arbitrator can declare rejection.
4. On the bases specified regarding 1 this article also experts and translators can be taken away.

Article 18. Order of challenge to arbitrator, expert, translator

1. The parties can under the mutual agreement define the order of challenge to arbitrator, the expert and translator.

2. In the absence of the arrangement on the order of challenge to arbitrator, the concerned party in the presence of the bases within 15 days has the right to submit to structure of arbitration the written application about such branch. This term is estimated from the date of when the concerned party knew of appointment of the corresponding arbitrator. If the arbitrator to whom branch is declared, does not report about rejection, and also if other party does not agree with rejection, the issue is resolved by two other arbitrators of structure of arbitration prior to trial of case. If they do not compound prior to trial of case or if branch is declared against two and more arbitrators, or the single arbitrator, the question of challenge to arbitrator (arbitrators) of permanent arbitration or challenge to arbitrator (arbitrators) of one-off arbitration for consideration of specific dispute is solved by the chairman of this arbitration.

3. The question of removal of the expert or the translator is solved complete structure of arbitration. For the period of consideration of the question of challenge to arbitrator (arbitrators), the expert and the translator trial of case by arbitration is postponed.

4. The resolution of the chairman of arbitration on challenge to arbitrator (arbitrators), the expert, translator is not subject to the appeal.

Article 19. Termination of powers of the arbitrator

1. The arbitrator is obliged to refuse acceptance of powers or implementation of the corresponding functions if he actually was not capable to carry out them, or for other reasons allows the considerable delay of proceedings. Powers of the arbitrator stop also by agreement of the parties. If the agreement did not manage to be reached, any party on dispute in permanent arbitration can address the chairman of this arbitration, and the party on dispute in one-off arbitration, with the request for making decision on the termination of powers of the arbitrator. This decision is not subject to the appeal.

2. Other cases of the termination of powers of the arbitrator of arbitration are defined by Regulations of arbitration.

3. Powers of arbitrators and the single arbitrator also stop in case of their branch or rejection.

Article 20. Replacement of the arbitrator

If powers of the arbitrator stop on the bases and in the order provided by articles 16-19 of this Law, other arbitrator is appointed as it should be which was applied at appointment of the replaced arbitrator.

Article 21. Right of arbitration to pronouncement of the resolution on the competence

1. The arbitration can issue the decree on the competence, including on any objections concerning availability or validity of the arbitration agreement. For this purpose the arbitration clause shall be treated as the agreement which is not depending on other terms of the contract. The award of arbitration that the agreement is insignificant does not involve by law invalidity of the arbitration clause. The statement of the party for absence at structure of arbitration of competence can be made no later than representation of counter cases. Appointment of the arbitrator as the party or its participation in appointment of the arbitrator does not deprive the party of the right to make such statement.

2. The statement that the structure of arbitration exceeds the authority shall be made right after the question, according to the party, going beyond these limits, will be delivered during trial of case. The structure of arbitration can adopt the application submitted later in any of these cases if he recognizes the reason of the delay valid.

3. According to the statements provided in parts 1 and 2 of this article, the structure of arbitration accepts determination before decision on the substance of dispute.

4. If the structure of arbitration recognizes itself competent, any party within 15 days after obtaining the notification can ask Presidium of this arbitration to adopt the final resolution on competence.

5. For the period of permission of the question of competence of arbitration trial of case stops.

Article 22. Powers of arbitration concerning interim measures

1. If the agreement of the parties does not provide other, the structure of arbitration can take out at the request of any party determination about acceptance of such interim measures by any party concerning the matter in issue which he considers necessary. The structure of arbitration can demand from the either party of providing

proper providing in connection with such measures.

2. The structure of arbitration or the party from its consent can take competent legal action of the Republic of Tajikistan or the relevant court of the foreign state with the request for providing the claim or proofs.

3. The competent court within the competence and of the order established by the procedural legislation of the Republic of Tajikistan considers such request.

CHAPTER 5. THE EXPENSES CONNECTED WITH CONSIDERATION OF DISPUTES IN ARBITRATION

Article 23. Structure of expenses of arbitration proceeding

1. The structure of expenses of arbitration proceeding includes:

- remuneration (fee) of the arbitrator (arbitrators);
- the expenses incurred by arbitrators in connection with their participation in arbitration proceeding including expenses on payment of journey to the place of consideration of dispute, accommodation and the food;
- the amount which is subject to payment to experts and translators;
- the expenses incurred by arbitrators in connection with survey and research of written and physical evidences on site their stays;
- the expenses incurred by witnesses;
- expenses on fee of the agent of the party for benefit of which the award of arbitration took place;
- expenses on organizational and material security of arbitration proceeding.

2. Amount of remuneration of the arbitrator in arbitration is defined according to the comparative scale of the fee of arbitrators provided by Regulations of arbitration.

3. At absence in Regulations of arbitration of the instruction on the fixed amount of remuneration of the arbitrator, arbitration can define amount of remuneration of the arbitrator in each case of trial on dispute taking into account the price of the claim, complexity of dispute, time spent by arbitrators for arbitration proceeding and other, relevant circumstances.

Article 24. Expense allocation, connected with the dispute resolution in arbitration

1. Expense allocation, connected with the dispute resolution in arbitration if other is not provided by the agreement of the parties, is made by arbitration in proportion to the met and rejected requirements.

2. Expenses on fee of the agent of the party for benefit of which the award of arbitration is made and also other expenses connected with arbitration proceeding can according to the award of arbitration be carried on other party if the requirement about compensation of the incurred expenses was declared during arbitration proceeding and is satisfied with arbitration.

3. Expense allocation, connected with the dispute resolution, is specified in the resolution or the award of arbitration.

CHAPTER 6. TRIAL OF MATTER IN ARBITRATION

Article 25. Equal relation to the parties

Being guided by the principle of equality of the parties, the structure of arbitration shall give by consideration of dispute to each party all opportunities for the statement of the position, protection of the rights.

Article 26. Determination of rules of arbitration proceeding

1. At observance of provisions of this Law of the party can agree about the order of trial of case of arbitration by structure at discretion.

2. In the absence of such arrangement structure of arbitration trial runs business in that order which recognizes necessary for ensuring removal of legal and reasoned decision. At the same time, the structure of one-off arbitration is obliged to observe provisions of this Law and to consider opinions of the parties, and structure of permanent arbitration to observe provisions of Regulations of arbitration.

Article 27. Venue of arbitration proceeding

1. The parties can agree about the venue of meetings of arbitration at discretion. In the absence of such arrangement the venue of meetings is defined by structure of arbitration with facts of the case and opinion of the parties.

2. If the parties did not agree about other, the meeting of arbitration can be held in any place which the structure of this arbitration considers proper to carrying out consultations between arbitrators, hearings of witnesses, experts or parties, and also for survey of goods, other property or documents.

Article 28. Language of arbitration proceeding

1. The parties can agree about language or languages which will be used during arbitration proceeding at discretion. In the absence of such arrangement the arbitration defines language or languages which shall be used at trial. The such arrangement or determination if in them other is not stipulated, belong to any written application of the party, any hearing of the case and any arbitral decision, the resolution or other message of arbitration.

2. The arbitration can dispose about that any documentary evidences were followed by transfer into language or languages about which the parties or which are defined by arbitration agreed.

Article 29. Beginning of arbitration proceeding

1. If the parties did not agree about other, proceedings in arbitration for consideration of specific dispute begin from the date of when the action for declaration is received by the defendant.

2. Proceedings in permanent arbitration begin from the date of, the arbitration determined by Regulations.

Article 30. Form and content of the action for declaration

1. The claimant states the requirements in the action for declaration and gives to arbitration in writing. The copy of the action for declaration is handed to the defendant by arbitration.

2. The following data are specified in the action for declaration:

- the name of arbitration to which the application is submitted;
- date of submission of the action for declaration;
- surname, name, middle name of the claimant, its residence, or its location, and also surname, name, middle name of the representative and his address if the application is submitted by the representative;
- surname, name, middle name of the defendant, its residence, or location;
- the name of the organization, the postal address and bank details (if the parties are legal entities);
- essence of non-compliance with the rights, freedoms and legitimate interests of the claimant and his requirement;
- circumstances on which the claimant bases the requirement, and proofs confirming these circumstances;
- the price of the claim if the claim is subject to the assessment, and also calculation of the collected or disputed or disputable sums of money.

3. It is possible to specify phone numbers in the action for declaration, faxes, and the e-mail address of the claimant, his representative, the defendant, other data important for consideration and permission of case.

4. The action for declaration is signed by the claimant or his representative authorized for its submission to arbitration. If the claimant is the legal entity, the signature is certified by seal the legal entity.

5. According to Regulations of arbitration additional requirements to contents of the action for declaration can be provided.

Article 31. The documents enclosed to the action for declaration

The following documents are enclosed to the action for declaration:

- the copy of the action for declaration according to the number of defendants;
- the power of attorney or other document certifying powers of the representative of the claimant;
- the calculation of the collected or disputed sum of money signed by the claimant, his representative with copies according to the number of defendants.

Article 32. The response on the action for declaration

1. The defendant has the right to provide to the claimant and to arbitration the response on the action for declaration, having stated in it the objections against the claim. The response on the action for declaration is represented to the claimant and in arbitration as it should be and the terms provided by Regulations of arbitration. If the term of representation of the response on the action for declaration is not determined by Regulations of arbitration, then it is represented within ten days after obtaining the copy of the action for declaration.

2. During arbitration proceeding the party has the right to change or add the claim requirements or objections against the claim or to refuse the claim and objection.

Become 33. Return of the action for declaration

1. The arbitration returns the action for declaration in the following cases if:

- between the parties there is no arbitration agreement;
- the claim is submitted to the arbitration which is not provided in the arbitration agreement;
- the subject of action is beyond the arbitration agreement;
- the action for declaration is signed by the person which does not have power on its signing;
- the claimant submits the application for return of the action for declaration;
- in production of the same or other arbitration there is the contentious case between the same parties, about the same subject and of the same bases.

2. At return of the action for declaration the arbitration takes out motivated determination.

3. Return of the action for declaration does not interfere with the repeated appeal of the claimant to arbitration with the claim besides to the defendant, about the same subject and of the same bases if the claimant eliminated the defects specified in determination of arbitration about return of the action for declaration.

Article 34. Action for declaration and counter cases

1. Requirements to the action for declaration are approved by the parties or are defined by one-off arbitration, and in proceeding arbitration - Regulations of arbitration.

2. In the absence of other agreement during trial of case any party can change or add the claim requirements or counter cases.

Article 35. Obtaining written information

1. Written information is considered received if it is delivered to the receiving person (physical or legal) personally, or on its permanent residence, or in the location of its enterprise, or to its postal address if the agreement of the parties does not provide other. When delivery location of the written message cannot be established by fair targeting of references, the written message is considered received if it is directed on the last known permanent residence of the recipient, or in the location of its enterprise, or to its postal address by the registered mail.

2. Information is considered received in day of its delivery or attempt to deliver (to transfer) to the recipient, according to part of 1 this article.

Article 36. Disclaimer on objection

If the party knows that any provision of this Law from which the parties can recede or any requirement provided by the arbitration agreement were not observed, and nevertheless continues to participate in trial of case, without having declared objections against such non-compliance without unjustifiable delay or in time, provided by this Law or arbitration regulations, then after such term it is considered refused the right to objection.

Article 37. Consideration and trial of business on documents

1. At observance of terms of agreement of the parties the arbitration makes the decision on whether to carry out oral hearing of the case for production of evidence or for oral debate, or to perform trial only on the basis of documents and other materials. However, except that case when the parties agreed not to carry out oral hearing, the arbitration shall carry out such hearing at any stage of arbitration proceeding if about it the either party asks.

2. The notification on any arbitration proceeding and discussion which is carried out for the purpose of

survey of goods, other property or documents shall go to the parties so that they had enough time for the appearance for the corresponding hearing or the meeting.

3. All statements, documents or other information represented to one of the parties to arbitration shall be transferred to other party. Any expert opinions or other documents having evidentiary value on which the arbitration can be based at pronouncement of the decision shall be transferred to the parties.

Article 38. Non-presentation of counter cases, other documents or absence of the party

1. In cases when without indication of reasonable excuses and in the absence of the arrangement of the parties on other the defendant does not put forward the counter cases, the structure of arbitration continues trial of case, irrespective of the fact of not promotion of objections as recognition of requirements of the claimant.

2. In cases, when the invited party on arbitration is not for hearing or does not produce documentary evidences, the structure of arbitration has the right to continue trial of case and to pass the decision on the basis of the proofs which are available for it.

Article 39. Rights of the parties of arbitration proceeding

The parties participating in arbitration proceedings have the right:

- get acquainted with case papers and make copies of them;
- produce the evidence;
- declare petitions, branch to arbitrators;
- ask questions to participants of arbitration proceeding, offer oral and written explanations;
- adduce the arguments on all questions arising during process of trial;
- object to petitions and arguments of other party;
- petition before competent court for forced execution of the award of arbitration according to the legislation of the Republic of Tajikistan;
- in the cases established by this Law to appeal against the award of arbitration.

Article 40. The expert appointed by arbitration

1. If the parties participating in arbitration proceeding did not agree about other, the arbitration can:

- appoint one or several experts for submission of the conclusion to it on specific questions which are defined by arbitration;
- demand from the party of representation of any, relevant information to the expert or presentation for survey or providing survey to the opportunity relevant documents, goods or other property by it.

2. In the absence of the arrangement of the parties on other, the expert if the party asks about it or if the arbitration considers it necessary, shall take part after submission of the written or oral conclusion in consideration of the case on which the parties are given the opportunity to ask it questions and to invite specialists for evidence according to matters of argument.

Article 41. Assistance of competent court in providing interim measures and obtaining proofs

1. The parties of arbitration proceeding have the right to take competent legal action with the statement for taking measures to providing the claim.

2. The statement for providing the claim considered in arbitration moves the party in competent court in the place of implementation of arbitration proceeding or location of property in respect of which interim measures will be taken.

3. Consideration by competent court of the application for providing the claim considered in arbitration and removal of determination to them about providing the claim or for refusal in its providing is performed in the order established by the economic procedural legislation of the Republic of Tajikistan.

4. Determination about providing the claim considered in arbitration can be cancelled by the competent court which took out this determination according to the statement of one of the parties.

5. The arbitration or the party with the consent of arbitration can appeal to competent court about assistance in obtaining proofs. The competent court considers this address according to the legislation of the Republic of Tajikistan.

Article 42. Assistance in obtaining proofs

1. The structure of arbitration or the party from its consent can take competent legal action or court of the foreign state with the request for assistance in obtaining proofs on the question considered in arbitration.
2. The competent court within the competence and of the order established by the procedural legislation of the Republic of Tajikistan complies with such request.

CHAPTER 7.

PRONOUNCEMENT OF THE ARBITRAL DECISION AND TERMINATION OF TRIAL OF CASE

Article 43. Regulations applicable to the being of dispute

1. The arbitration resolves dispute according to such rules of law which the parties chose as applicable to the being of dispute. Any instruction on the right or system of the right of any state shall be interpreted as directly sending to the substantive right of this state, but not to its conflict-of-laws rules.
2. In the absence of any indication of the parties the arbitration applies the right defined according to conflict-of-laws rules which it considers applicable.
3. In all cases the arbitration makes the decision in accordance with the terms of the agreement and taking into account the trade customs applicable to this transaction.

Article 44. Establishment of content of regulations of foreign law

1. At application of foreign law the structure of arbitration establishes the content of its regulations according to their official interpretation, practice of application and the doctrine in the relevant foreign state.
2. The parties are obliged to produce the evidence confirming the content of regulations of foreign law to which they refer in justification of the requirements or objections and to otherwise assist structure of arbitration in establishment of content of these regulations.
3. For the purpose of establishment of content of regulations of foreign law the structure of arbitration can address in accordance with the established procedure for assistance and the explanation in the Ministry of Justice of the Republic of Tajikistan, other authorized state bodies of the Republic of Tajikistan including which are abroad official representations of the Republic of Tajikistan or to involve experts.

Article 45. The award of arbitration in joint structure

The joint structure of arbitration makes the decision by a majority vote. Procedural issues can be resolved by the arbitrator - the chairman if he is authorized for it by the parties or other arbitrators.

Article 46. Voluntary settlement

1. If during trial of case of the party sign the voluntary settlement, the structure of arbitration stops trial and fixes the reached voluntary settlement in the form of the arbitral decision on the conditions approved by the parties.
2. The arbitral decision on the conditions approved by the parties is passed according to provisions of article 43 of this Law and shall contain the instruction on the fact that it is the award of arbitration.
3. The arbitral decision on the conditions approved by the parties has the same force and any other decision of structure of arbitration on the substance of dispute is subject to execution also, as well as.

Article 47. Award of arbitration

1. The arbitration makes the decision by consideration of dispute over the being.
2. The award of arbitration is final, enters into force from the moment of its removal and can be appealed only in cases, the stipulated in Clause 51 this Law.

Article 48. Form and content of the arbitral decision

1. The arbitral decision shall be passed in writing and signed by the arbitrator or joint structure of

arbitration. At decision-making of arbitration court by joint structure in the decision there are enough signatures of most of arbitrators if the absence reason of signatures of other arbitrators is specified.

2. If the parties did not agree about other, and also if other does not follow from article 46 of this Law, in the arbitral decision motives on the basis of which it is accepted shall be specified.

3. In the arbitral decision date of its acceptance and the venue of the meeting of arbitration shall be specified. The award of arbitration is considered taken out in the venue of the arbitration meeting.

4. After decision to each party its copy signed by arbitrators according to part of 1 this article is issued.

Article 49. Termination of arbitration proceeding

1. The arbitration passes the decision on diversion.

2. The structure of arbitration takes out determination about diversion when:

- the claimant refuses. from the requirement and the defendant does not put forward objections against the termination of trial of case, and the structure of arbitration does not recognize legal interest of the defendant in obtaining the decision in dispute;

- the parties agree about the termination of trial of case;

- the arbitration comes to the conclusion that continuation of trial of case became impossible for any reasons.

3. The award of arbitration is final, enters into force from the moment of its removal and can be appealed only in cases, the stipulated in Clause 51 this Law.

4. Powers of structure of arbitration stop along with the end of trial of case, except for powers, stipulated in Clause 44 and part 3 of article 46 of this Law.

Article 50. Correction and interpretation of the arbitral decision. Additional arbitral decision

1. Within 30 days after obtaining the decision if the Regulations of arbitration or the agreement of the parties do not establish other, the either party, having notified on it other party, can ask structure of arbitration to correct any calculating mistake made in the decision, the slip, the typographical error or other errors of similar character, and also to ask structure of arbitration to give interpretation of any specific point or part of the award of arbitration.

2. If the structure of arbitration considers the request reasonable, it shall within 30 days after its receiving if the Regulations of arbitration do not establish other to make the corresponding corrections or to give interpretation. Such correction or interpretation becomes the component of the award of arbitration.

3. The structure of arbitration within 30 days from the date of decision if the Regulations of arbitration do not establish other, can on the initiative correct the errors specified in part one of this article, having sent to the parties the notification on such corrections.

4. If the parties did not agree about other, the either party, having notified on it other party, can within 30 days from the date of obtaining the decision if the Regulations of arbitration do not establish other to ask structure of arbitration to pass the additional decision concerning requirements which were declared during trial of case, however were not reflected in the decision. If the structure of arbitration considers the request reasonable, it shall within 60 days if the Regulations of arbitration do not establish other to pass the additional arbitral decision.

5. In case of need the structure of arbitration can prolong the term during which it shall correct errors, give interpretation or pass the additional decision according to parts 1 - 4 these articles.

6. Provisions of article 45 of this Law are applied to correction and interpretation of the award of arbitration, and also to the additional award of arbitration.

Article 51. Petition for cancellation of the arbitral decision

1. The petition is exclusive means of contest of the arbitral decision. The petition for cancellation of the arbitral decision is brought into the Supreme economic court of the Republic of Tajikistan on the bases provided by parts 2 and 3 of this article.

2. The award of arbitration can be cancelled by the Supreme economic court of the Republic of Tajikistan in cases if the party petitioning for it produces the evidence of that:

- one of the parties at the conclusion of the arbitration agreement was in whole or in part incapacitated or this agreement is invalid by right to which the parties subordinated this agreement, and in the absence of such instruction - by the right of the Republic of Tajikistan;

- the party was not properly notified on appointment of the arbitrator either about trial of case or on other reasonable excuses could not furnish the explanations;

- the decision is passed on the dispute which is not provided by the arbitration agreement, or not falling under its conditions or contains provisions on the questions which are going beyond the arbitration agreement. At the same time if some provisions can be separated from those which are not covered by such agreement, then only that part of the award of arbitration which contains the provisions relating to the questions which are not covered by the arbitration agreement can be cancelled;

- the structure of arbitration or order of trial of case do not correspond to the agreement of the parties if only such agreement does not contradict this Law.

3. The award of arbitration can be cancelled by the Supreme economic court of the Republic of Tajikistan also in cases if the matter in issue cannot be the subject of arbitration proceeding according to the legislation of the Republic of Tajikistan or if the award of arbitration contradicts the public order of the Republic of Tajikistan.

4. The petition for cancellation of the award of arbitration can be declared within one month from the date of when the party declaring this petition received the arbitral decision.

5. At submission of the petition to the Supreme economic court of the Republic of Tajikistan for cancellation of the award of arbitration, this court according to the petition of one of the parties can postpone consideration of the petition for cancellation of the award of arbitration for the term established by it but no more than one month to give to arbitration the opportunity to resume trial of case or to take other actions which, according to arbitration, will allow to eliminate the bases for cancellation of the arbitral decision.

CHAPTER 9. EXECUTION OF THE AWARD OF ARBITRATION

Article 52. Execution of the award of arbitration

The award of arbitration, acting in the territory of the Republic of Tajikistan, is performed in the order established by the economic procedural legislation of the Republic of Tajikistan.

Article 53. Recognition and carrying out of decisions of foreign arbitration

Decisions of foreign arbitration irrespective of in what foreign state they were taken out are recognized and carried out according to the economic procedural legislation of the Republic of Tajikistan and the international legal acts recognized by Tajikistan.

Article 54. The bases for refusal in recognition or the carrying out of the decision of arbitration

1. In recognition or the carrying out of the arbitral decision irrespective of in what country it was taken out, it can be refused the following cases:

1) at the request of the party against which it is directed if this party provides to competent court in which recognition or the carrying out, proofs of that is asked:

- one of the parties in the arbitration agreement was incapacitated;

- this agreement is invalid under the law to which the parties subordinated him, and in the absence of such instruction - under the law of the country where the decision was passed;

- the party against which the award of arbitration is passed was not properly notified on appointment of the arbitrator either on arbitration proceeding or for other reasons could not furnish the explanations;

the decision is passed on the dispute which is not provided by the arbitration agreement, or not falling under its conditions or contains resolutions on the questions which are going beyond the arbitration agreement with the fact that if resolutions on the questions covered by the arbitration agreement can be separated from those which are not covered by such agreement, then that part of the arbitral decision which contains resolutions on the questions covered by the arbitration agreement can be recognized and carried out;

the structure of arbitration or arbitration procedure did not correspond to the agreement of the parties or for lack of that did not correspond to the law of that country where there passed the arbitration;

the decision did not become obligatory for the parties yet, or was cancelled, or its execution was suspended by court of the country according to which law it was taken out;

2) if the court finds out that:

- the object of dispute cannot be the subject of arbitration proceeding of the legislation of the Republic of

Tajikistan;

- recognition and carrying out of this arbitral decision contradict the public order of the Republic of Tajikistan.

2. If in the court specified in the paragraph the fifth point of 1 part of 1 this article the petition for cancellation or suspension of execution of the arbitral decision, court in which recognition or the carrying out is asked is declared, maybe, if considers it proper to postpone pronouncement of the decision and can also according to the petition of that party which asks about recognition or the carrying out of the arbitral decision, to oblige other party to provide proper providing.

Article 55. Order of introduction of this Law

This Law shall come into force after its official publication.

**President of the
Republic of Tajikistan**

Emomali Rahmon

Dushanbe, March 18, 2015

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