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New conciliation procedures have begun to operate

Since October 25, 2019 the Federal law of 26.07.2019 N 197-FZ "About modification of separate legislative acts of the Russian Federation" which provisions make serious changes in the procedural legislation came into force. Thus, the code of criminal procedure, the agrarian and industrial complex, the code of administrative procedure and other acts introduced rules that expand the use of conciliation procedures.

In addition to mediation, the above-mentioned law included such types of conciliation procedures as negotiations, which do not involve the presence of a mediator and the procedure of which is left to the discretion of the parties, and judicial conciliation. An important difference between the latter and mediation is that a retired judge can act as a judicial mediator, and his work will be paid from the budget, while the parties to the dispute pay for the work of the mediator at their own expense.

As the legislator notes, reconciliation of the parties is possible at any stage of arbitration and civil proceedings and in the execution of a judicial act, unless otherwise provided by Federal law, and can be carried out at the request of the parties (parties) or at the suggestion of the court.

An equally important novelty is the extension of the scope of conciliation procedures to the field of administrative disputes, especially tax disputes, which will contribute to the popularization of the institution of conciliation procedures in General.

In addition to the above, the application of conciliation procedures provides some economic incentives for the plaintiff. At the conclusion of a settlement agreement at various stages of judicial proceedings, the plaintiff may be returned from 30% to 50% of the state fee.

Thus, in our opinion, the novelties in the sphere of application of conciliation procedures will significantly simplify the consideration of some disputes, thereby making them more attractive to the parties and, as a consequence, will lead to a decrease in the judicial burden on judges.

Өңірлер

