

Enforcement of Foreign Arbitral Awards in Kazakhstan



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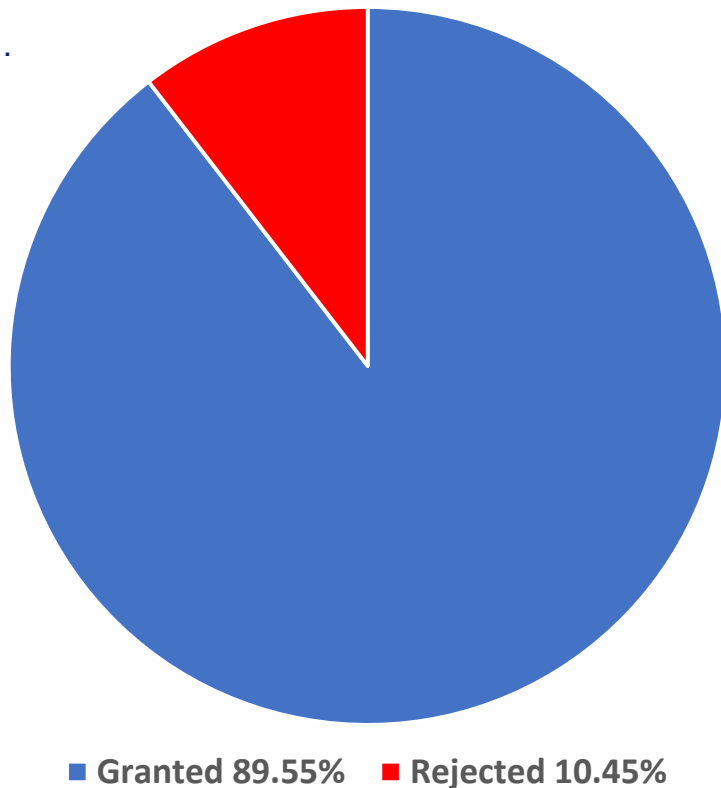
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Recognition and Enforcement in Kazakhstan: Step by step



1. Foreign arbitral awards and judgments are enforced based on a treaty or on the basis of reciprocity (1958 NY Convention, 1961 European Convention);
2. Foreign arbitral awards and judgments can be enforced within **three years** following entry into effect (money awards vs awards requiring a debtor to undertake certain actions);
3. Judgment creditor should file an application to a Kazakh court at the place of the debtor's registration or the location of its assets along with:
 - 3.1. The award (original or a certified copy) and its certified translation + apostille;
 - 3.2. The arbitration agreement (original or certified copy) and its certified translation + apostille;
 - 3.3 Proof of payment of the state duty (approx. US\$35) (additional documents?);
4. Court reviews the application within **15 business days**; may set a hearing (at its discretion);
5. Court's ruling is enforceable **immediately**, but it can be appealed (potential fraud and forthcoming changes into the law);

Statistics of Enforcement in Kazakhstan since 1 January 2016 (based on our limited review):



Grounds for rejection:

- No proof of proper notice to respondent;
- Invalidity of a guarantee based on which an arbitral award was issued;
- External monitoring procedure (seems like a foreign law governed insolvency) is not envisaged by Kazakh law;
- No proof of partial enforcement or non-enforcement outside Kazakhstan;
- Cancellation of an arbitral award;
- No proof of entry of the arbitral award into effect (a Kyrgyz court's ruling which was appealed at the time of filing the application);