

# ***New Law of the Republic of Kazakhstan “On Arbitration”***

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**pwc**

New Law of the Republic of Kazakhstan “On Arbitration” (hereinafter - the “**Law**”) was developed under the instruction of the President to develop a uniform law on arbitration, which will regulate relations arising in the course of activity of arbitration in Kazakhstan as well as procedure and conditions for recognition and enforcement of arbitral awards in Kazakhstan.



*International arbitration is a permanent arbitration (domestic arbitration) institution, which carries out the consideration of commercial disputes not only under the legislation of the Republic of Kazakhstan, but also under the law chosen by the parties.*

## ***Consolidation of certain laws of the Republic of Kazakhstan***

The Law consolidates norms of existing laws “On Domestic Arbitration Courts” and “On International Arbitration” to establish a common approach to legal regulation of activity of domestic arbitration courts and international arbitration as extrajudicial dispute resolution bodies.

## ***Consent of the authorized body to participate in the arbitration***

The Law gives the arbitration the right to deal with disputes between individuals and (or) legal entities of the Republic of Kazakhstan. If a party to the dispute however is a state agency, a state enterprise, as well as a legal entity, fifty and more percent of voting shares (interests in the charter capital) are directly or indirectly owned by the state, it is necessary to have a consent of the relevant authorized body to have the dispute to be considered by the arbitration.

### ***When the Law on “On Arbitration” will come into legal force?***

The new Law “On Arbitration” comes into legal force on 20 April 2016.

## ***Additional requirements to the arbitration agreement***

The Law contains additional requirements to the arbitration agreement. Thus, the arbitration agreement must contain the following:

- ✓ intention of parties to refer the dispute to arbitration;
- ✓ indication of a matter which is subject to arbitration;
- ✓ indication of the particular arbitration;
- ✓ relevant authorized body consent if one of the parties is a state agency, a state enterprise, as well as a legal entity, fifty and more percent of voting shares (interests in the charter capital) are directly or indirectly owned by the state.

Additional terms of the arbitration agreement might be determined by agreement between the parties.

## ***Participation of the parties in the arbitration proceeding in online mode***

The Law provides that the arbitration proceeding (part of it) at the request of the parties or the arbitration may be conducted in online mode by using a videoconferencing and other programs of technical resources, providing arbitration and the parties an opportunity to hear and/or see each other.

## ***Disqualification of an arbitrator***

The Law regulates grounds for challenging an arbitrator who causes doubt of his impartiality and (or) competence.

## ***Establishment of the Arbitration Chamber of Kazakhstan***

The Law specifies that the Arbitration Chamber of Kazakhstan will be established to provide support for arbitration in Kazakhstan.

## ***How we can help you***

### **Consultation and development of relevant documents for participation in the arbitration proceeding**

- A detailed analysis of potential arbitration dispute and recommendations on related proceedings;
- Assistance on recognition and enforcement of local and/or foreign arbitral awards;
- Drafting various types of arbitration agreements/arbitration clauses;
- Drafting various applications, statements of claims, petitions and complaints during arbitration.

## ***Contact information***



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