

Russian courts' exclusive
jurisdiction and antisuit
injunctions against
foreign proceedings

Lugovoy Law

2020-26

STUDY CONCEPT

1

BASIS OF THE RESEARCH

The research is based on the statistics of Lugovoy Law application initially prepared by KIAP's international arbitration practice – the latest version of the previous report is available at the [link](#).

2

MONITORING OF CASE LAW

Cases from September 2024 till the end of 2025 were distributed for description among the task force members. Before and after that period, KIAP team took over monitoring of the case law. The contributing task force members who consented to their personal mention are indicated by name.

3

SOURCES AND DISCLAIMERS

The primary source for monitoring the case law was the kad.arbitr database, which is a public and open Russian courts' database where all cases are published. All cases were anonymized. Since the statistics are a product of non-automated human work, a slight margin of error is possible.

4

AN INDEPENDENT INITIATIVE RESEARCH

The statistical work and analysis were carried out on a voluntary and free-of-charge basis.

FROM A SINGLE CASE TO COMPREHENSIVE ANALYSIS

The idea of conducting systemic analysis and gathering statistics arose against the backdrop of the 2022 events. In *BM-Bank*, our team of KIAP lawyers successfully rebutted the presumption of restricted access to justice of a Russian sanctioned party for the first time since *Uralvagonzavod*, though the upper circuit court subsequently revised the outcome. Ever since, for appeals before the Economic Chamber of the Russian Supreme Court and subsequent cases, we have been systematically monitoring case law, building statistical datasets, which allowed us to identify deviation in the case law from the nature and literal wording of Lugovoy Law.

2022

Initial case law study based on the statistics prepared for the Russian Supreme Court in *BM-Bank*

2024

Expansion of statistical data and international outreach

2024- 2026

Comprehensive analytical report and extensive database

LASI

Lugovoy Application Satisfaction Index

A significant number of cases has prompted an index reflecting the tendencies of Lugovoy Law application. To give it a unified reference we called it **LASI** – Lugovoy Application Satisfaction Index

Formula

01

Total applications
filed

02

Total applications
granted

03

Ratio of the two
indicators

$$\text{LASI} = \frac{\text{Total applications granted}}{\text{Total applications filed}} \times 100\%$$

WHAT DO THE STATISTICS SHOW?

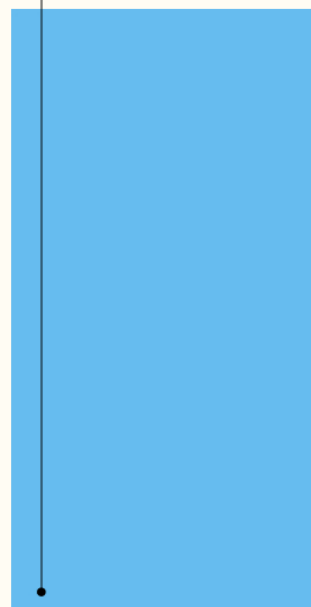
Over the past 2 years of the research, Russian courts heard nearly as many cases as in the entire period of Lugovoy Law application preceding it. With the Lugovoy Law task force's contribution, we have managed to cover almost all the case law. Our new research presents a more comprehensive analysis, including information on the parties' states of origin, foreign state courts, seats of arbitration, and applicable arbitration rules.

OVERALL LASI

89%

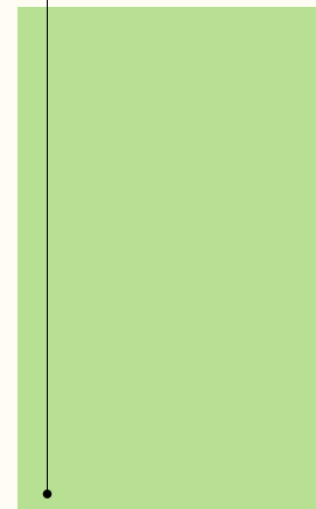
54 months

463 cases on
Lugovoy Law



23 months

390 cases on
Lugovoy Law



DISCLAIMERS ON THE RESEARCH RESULTS

EXCLUDED CASES

It was decided to exclude cases involving Mr. A.I. Kuznetsov from the total number of cases, given the mass and chaotic filing of applications by this person over many years.

DOUBLE COUNTING

Several cases were counted twice, since they concerned the application of both Articles 248.1 and 248.2 APC, and the courts' conclusions were of complex nature. Similarly, we counted *Uralvagonzavod* twice, as that case established the principles of applying both Articles.

ORIGIN OF THE PARTIES

If a case involved several respondents from the same state, this state was counted one time only. In some cases, it was impossible to discern the origin of the parties from the text of the judicial act.

SANCTIONS AND JURISDICTION

The applicability of sanctions was assessed based on the judicial acts' wording. Where the court did not refer to sanctions but we were able to establish sanctions based on a high-level analysis, we assigned the case to the relevant sanctions category. In the absence of a dispute resolution clause, international jurisdiction was determined with account to the respondent's place of residence.

COURT INSTANCES

When counting the statistics on the highest court level to have considered the case, we noted that Article 248.2 APC on antisuit injunctions does not allow for the appellate-level consideration, going straight to the next cassation appeal level. In practice, though, judicial acts under Article 248.2 APC sometimes go to the appellate level, thus, we considered all court levels equally for both Lugovoy Law provisions.

The research does not constitute a legal opinion, legal advice, or any other consultation, and does not replace the opinion of a specialist

RUSSIAN CONSTITUTIONAL COURT: LUGOVOY LAW CANNOT APPLY AUTOMATICALLY

In 2025, the Russian Constitutional Court addressed the application of Articles 248.1 and 248.2 APC on three occasions. The Court declined to review the cases on the merits, citing the lack of jurisdiction to do so. At the same time, it confirmed an approach rejecting the automatic application of Lugovoy Law solely upon a party's application.

VTB BANK vs OWH

No automatic application of Lugovoy Law: case-specific analysis and sanctions establishment are required

MR. NOVITSKY vs BANK TRUST

Courts' obligation to consider all circumstances of the case in light of the constitutional rights of all parties, including the foreign party

RUSCHEMALLIANCE vs DEUTSCHE BANK

Waiver by a sanctioned party who did not object to the foreign proceedings

RUSSIAN CONSTITUTIONAL COURT: UNCERTAINTY OVER THE SCOPE OF JUDICIAL DISCRETION IN GRANTING ANTI-SUIT INJUNCTIONS

The Russian Constitutional Court reached conflicting conclusions in *Novitsky* and *RusChemAlliance*

MR. NOVITSKY vs BANK TRUST

An overly narrow interpretation of the injunction

The Russian Constitutional Court emphasized the limited, preventive nature of Article 248.2 APC injunctions; the provision does not allow for anti-enforcement injunctions



Complaint challenging the constitutionality of the article for not providing for anti-enforcement injunctions

RUSCHEMALLIANCE vs DEUTSCHE BANK

An overly broad interpretation of the injunction

The Russian Constitutional Court upheld the lower courts' position imposing an anti-enforcement injunction



Complaint challenging the constitutionality of the article for allowing courts adopt anti-enforcement injunctions

SUMMARISED APPROACH OF THE RUSSIAN CONSTITUTIONAL COURT:

No automatic application



Analysis of the circumstances of the specific case



Balancing the parties' rights

RUSSIAN SUPREME COURT: NEW GUIDANCE HAS NOT RESOLVED THE KEY ISSUES

Russian Supreme Court approved the Thematic Case Law Review № 8/2026 on 17 June 2026

COURT'S REVIEW PARAGRAPHS WITH GUIDANCE

15

Applications under Article 248.2 APC are considered by Russian courts regardless of an arbitration agreement

16

A travel ban on entry into an unfriendly state may qualify as a restrictive measure

17

Sanctions affecting the subject matter of the dispute or barriers to access justice may justify the jurisdiction of Russian courts

18

When establishing jurisdiction, the actual place of performance of the contract and a close connection with the territory of Russia are considered

OUTSTANDING ISSUES



Application of Lugovoy Law in the absence of sanctions



Test for rebutting the presumption of restricted access to justice



Limits of interpretation of Article 248.2 APC in granting anti-suit injunctions



Application of Lugovoy Law by foreign parties despite Russian parties' arguments in favor of access to justice

LUGOVOY LAW AND EUROPEAN UNION SANCTIONS

14 PACKAGE

TRANSACTION BAN

against the entities that apply Lugovoy Law; right to recover damages resulting from Lugovoy Law application

15 PACKAGE

PROHIBITION ON RECOGNITION AND ENFORCEMENT

by EU Member State courts of judgments rendered under Lugovoy Law

20 PACKAGE

EXTENDED TRANSACTION BAN

on parties from third countries assisting with enforcement of Lugovoy Law judgments outside the EU; imposition of an anti-anti-suit injunction in response to proceedings under Lugovoy Law

21 PACKAGE

EXTENDED PROHIBITION ON RECOGNITION AND ENFORCEMENT

of any Russian judicial acts relating to economic transactions affected by EU sanctions, including bankruptcy judgments

THE MAIN RISKS

EU PERSONAL SANCTIONS

Application of Lugovoy Law may result in the parties applying it being added to sanctions lists

DAMAGES RECOVERY

EU companies may recover from a Russian company – if the latter has assets outside Russia – damages caused by the application of Lugovoy Law

ARTICLES 248.1 AND 248.2 APC APPLICATION

Article **248.1 APC** establishes exclusive jurisdiction of Russian courts over claims brought by sanctioned parties and where sanctions caused the dispute. Article **248.2 APC** governs the mechanism of anti-suit injunctions prohibiting the initiation or continuation of foreign proceedings.

248.1 – 87%

90%
Applied

743

10%
Not applied

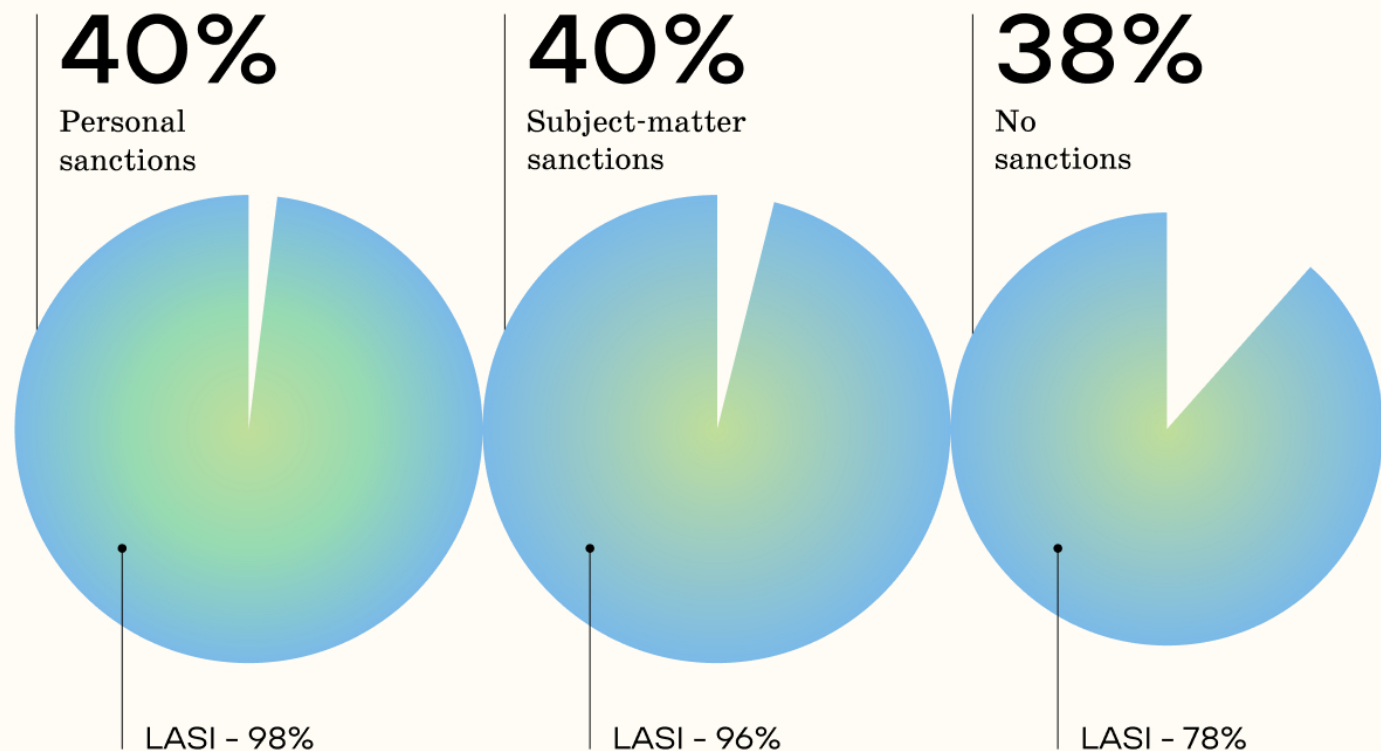
248.2 – 13%

86%
Applied

110

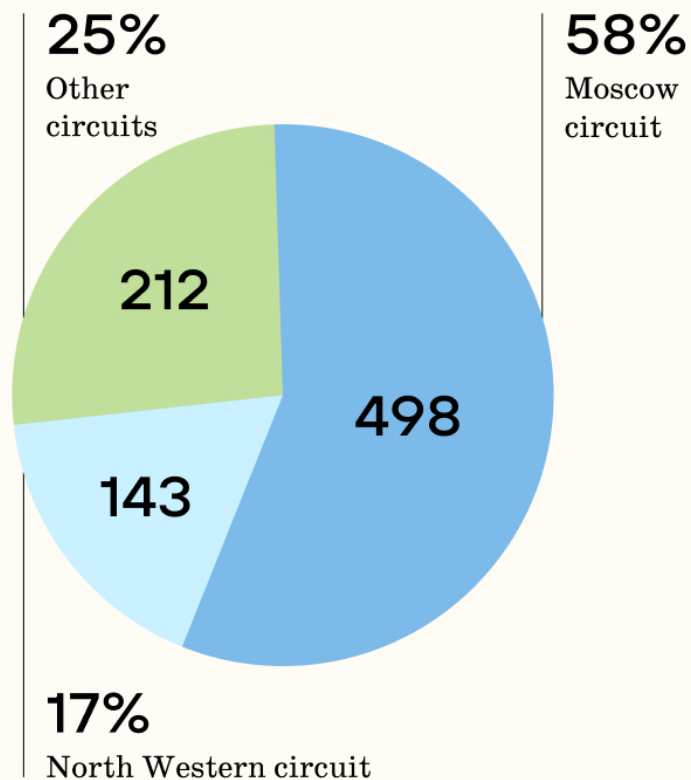
14%
Not applied

GROUNDINGS FOR THE APPLICATION OF LUGOVOY LAW

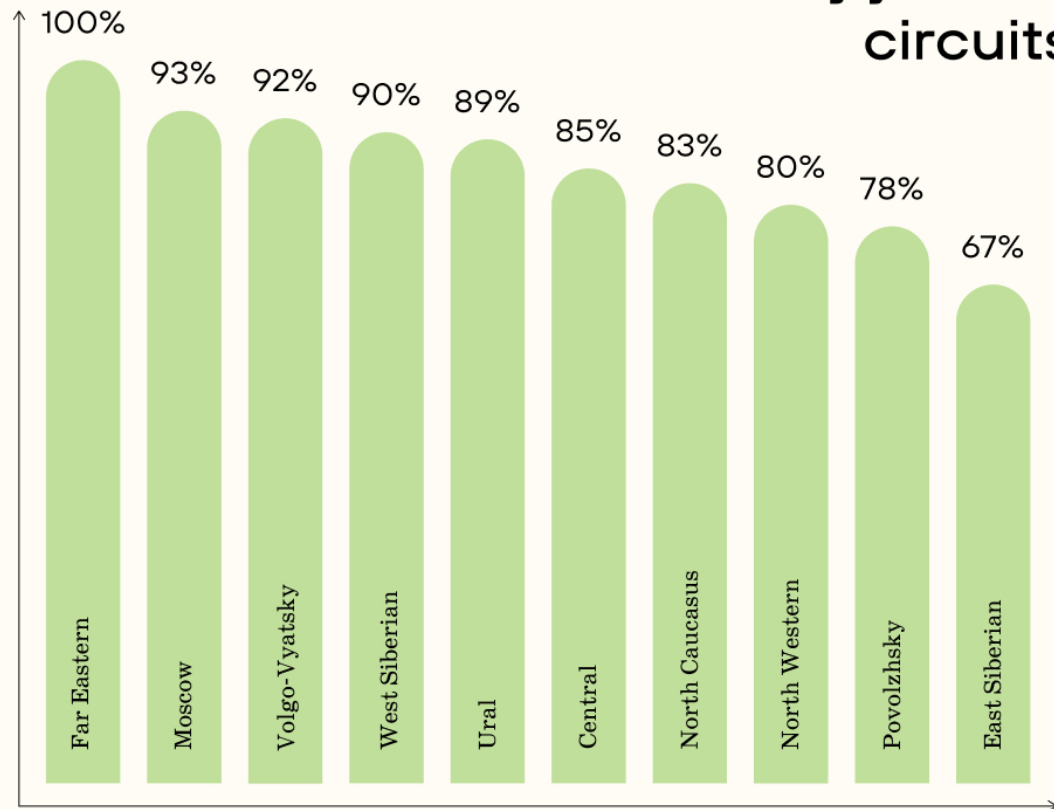


Pursuant to Articles 248.1 and 248.2 APC, the mechanism applies where a party to the dispute is subject to restrictive measures, i.e. sanctions, or where sanctions caused the dispute and it is established that the access to justice is restricted. In practice, 38% of cases involved none of the above-mentioned sanctions.

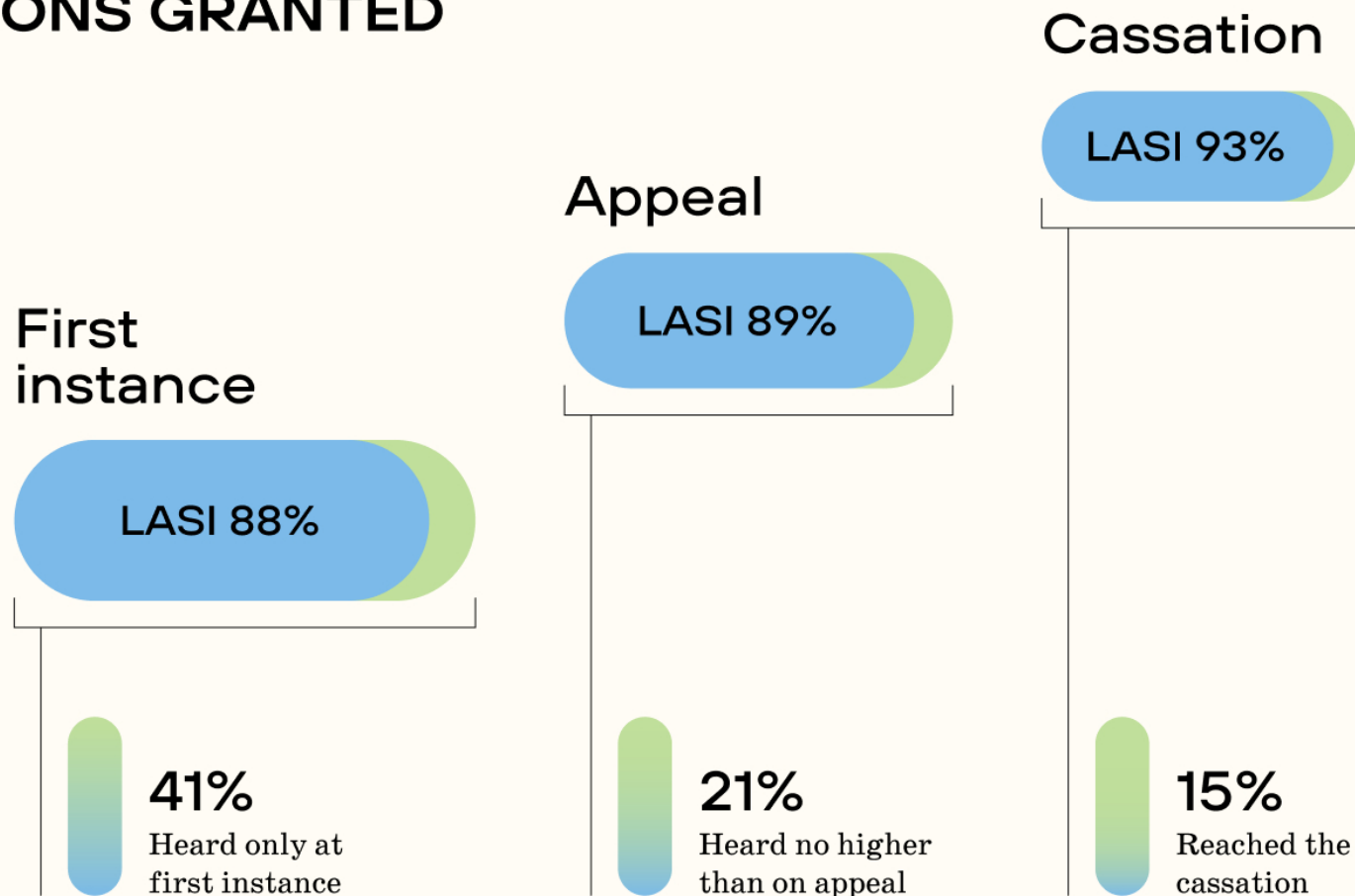
LOCAL DISTRIBUTION OF CASES AND SHARE OF APPLICATIONS GRANTED BY RUSSIAN JUDICIAL CIRCUIT



LASI by judicial circuits



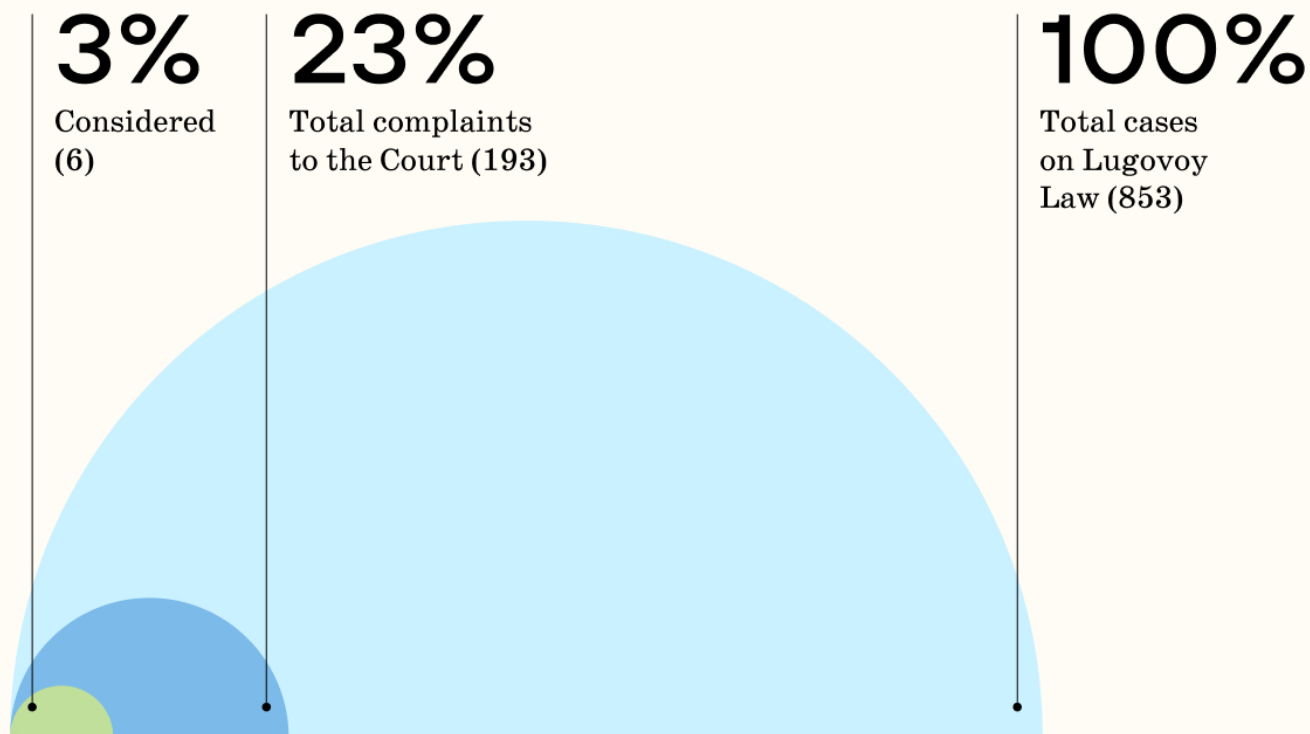
DISTRIBUTION OF CASES AND SHARE OF APPLICATIONS GRANTED BY JUDICIAL LEVEL



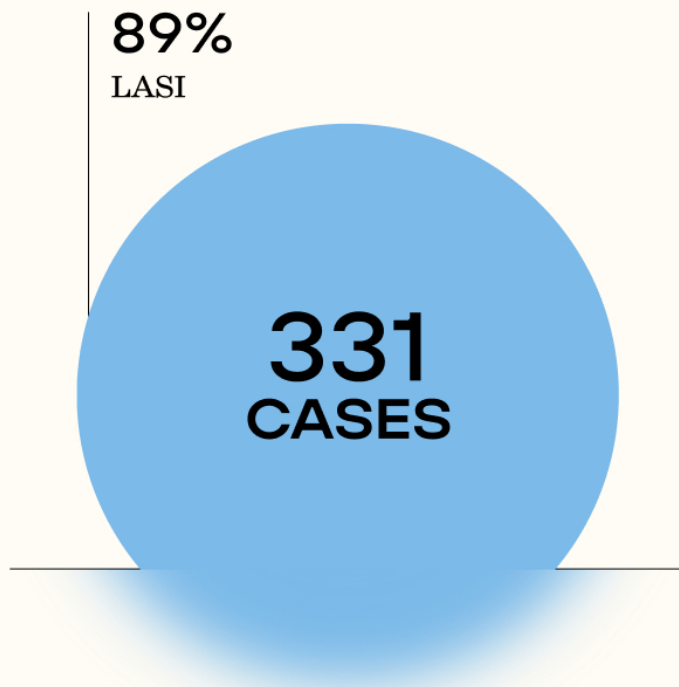
The statistics reflect the percentage distribution of cases by the level of Russian courts where cases under Lugovoy Law were finally heard (with no further appeal).

APPEALS TO RUSSIAN SUPREME COURT

The Russian Supreme Court filters cases it chooses to review. The chosen cases are considered by the Chamber. Usually, the overall ratio of referrals is around 1.5-3%. On Lugovoy Law, 5 out of 193 applications were referred to the Chamber. In all 5 cases, the Chamber applied the relevant Articles. In one case, where Lugovoy Law applied, the Chamber did not reconsider the issue of its application.



INTERNATIONAL ARBITRATION



Arbitration rules (top-3)

LCIA (99 cases)



ICC (75 cases)



SCC (44 cases)



INTERNATIONAL ARBITRATION

89%

LASI

331
CASES

Seat of arbitration (top-3)

UK (112 cases)

LASI 88%

Sweden (54 cases)

LASI 85%

Switzerland (32 cases)

LASI 94%

FOREIGN STATE COURTS

87%

LASI

317
CASES

Country (top-3)

UK (79 cases)

LASI 85%

Belgium (57 cases)

LASI 100%

USA (33 cases)

LASI 100%

The Lugovoy Law Task Force

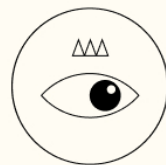
Was established in September 2024 to monitor the case law on application of Articles 248.1 and 248.2 APC, as well as to carry out other research in this field

40+

EXPERTS

from the legal and academic communities, as well as representatives of various arbitration institutions

FINDINGS FROM THE RESEARCH



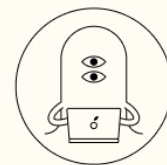
MONITORING OF CASE LAW

Systematic collection and analysis of cases on Lugovoy Law



AMICUS CURIAE

Own-initiative opinions to the Russian Constitutional Court and the Court of Justice of the European Union



ANALYTICAL PUBLICATIONS

Publications in Kluwer Arbitration Blog and Transnational Dispute Management



SEPTEMBER 2024
Foundation of Task Force



CURRENT
Monitoring of case law and conducting research work

Members of the Task Force

Experts in three key areas were involved in this report preparation



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- Anastasiya Ryabova
- Dinara Ibragimova
- Anastasiya Orlova



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- Anastasiya Orlova
- Khamida Kabuldinova
- Rodion Logvin
- Mariia Lukoianova
- Olga Stukova



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| ● Natalia Kuznetsova | ● Olga Stukova |

COMING
SOON...

BEFORE

248.1 Уточнено	Case ID	1 инстанция	апелляция	кассация	ВС РФ отказ в передаче	СКС	актуально по	подборка практики
ААО-134314/2024	10 дело 1	9/24/2025	9/25/2025		4/6/2026		8/8/2026 (сентарская подбора практика)	
ААО-19553/2025	10 дело 2	9/26/2025	9/22/2025	10/17/2025			8/8/2026 (сентарская подбора практика)	
ААО-59006/2025	10 дело 3	9/19/2025	1/26/2026				8/8/2026 (сентарская подбора практика)	
ААО-4381/2023	10 дело 4	9/19/2025	1/26/2026				8/8/2026 (сентарская подбора практика)	
ААО-1432/2025	10 дело 5	9/19/2025	1/26/2026				8/8/2026 (сентарская подбора практика)	
ААО-10404/2025	10 дело 6	9/15/2025			6/5/2026		8/8/2026 (сентарская подбора практика)	
ААО-68412/2024	10 дело 7	4/13/2025	9/8/2025	3/13/2026			8/8/2026 (сентарская подбора практика)	
А12-4335/2025	10 дело 8	9/4/2025	1/9/2026	7/1/2026			8/8/2026 (сентарская подбора практика)	
ААО-31023/2024	10 дело 9	9/4/2025					8/8/2026 (сентарская подбора практика)	
ААО-62119/2025	10 дело 10	9/3/2025					8/8/2026 (сентарская подбора практика)	
ААО-1101748/2024	10 дело 11	9/3/2025					8/8/2026 (сентарская подбора практика)	
ААО-1101748/2024	10 дело 12	9/3/2025					8/8/2026 (сентарская подбора практика)	
ААО-103363/2024	10 дело 13	30.06.2024	8/20/2025	11/13/2025			8/8/2026 (сентарская подбора практика)	
А11-13297/2023	10 дело 14	02.03.2024	11/13/2025	4/9/2026			8/8/2026 (сентарская подбора практика)	
ААО-38376/2023	10 дело 15	11/1/2025		6/3/2026			8/8/2026 (сентарская подбора практика)	
ААО-124188/2024	10 дело 16	10/28/2025	2/13/2026	5/15/2026			8/8/2026 (сентарская подбора практика)	
А17-11883/2023	10 дело 17	10/24/2025					8/8/2026 (сентарская подбора практика)	
ААО-22731/2025	10 дело 18	10/24/2025					8/8/2026 (сентарская подбора практика)	
ААО-71286/2024	10 дело 19	10/24/2025					8/8/2026 (сентарская подбора практика)	
ААО-73763/2025	10 дело 20	10/24/2025					8/8/2026 (сентарская подбора практика)	
ААО-246164/2024	10 дело 21	10/20/2025	1/28/2026	8/1/2026			8/8/2026 (сентарская подбора практика)	
ААО-106684/2024	10 дело 22	10/20/2025	2/9/2026	6/25/2026			8/8/2026 (сентарская подбора практика)	
ААО-55189/2024	10 дело 23	10/20/2025	10/17/2025				8/8/2026 (сентарская подбора практика)	
ААО-208891/2024	10 дело 24	10/17/2025					8/8/2026 (сентарская подбора практика)	
ААО-32113/2024	10 дело 25	8/20/2025	10/14/2025				8/8/2026 (сентарская подбора практика)	
ААО-6416/2025	10 дело 26	10/14/2025	3/2/2026				8/8/2026 (сентарская подбора практика)	
ААО-55924/2025	10 дело 27	10/14/2025	10/8/2025	2/17/2026			8/8/2026 (сентарская подбора практика)	
ААО-97362/2024	10 дело 28	10/7/2025					8/8/2026 (сентарская подбора практика)	
ААО-131664/2023	10 дело 29	10/14/2025					8/8/2026 (сентарская подбора практика)	
ААО-114678/2025	10 дело 30	10/14/2025	12/22/2025				8/8/2026 (сентарская подбора практика)	
ААО-89912/2025	10 дело 31	04.03.2025					8/8/2026 (сентарская подбора практика)	
А11-17254/2024	10 дело 32	15.09.2024	2/20/2026	5/28/2026			8/8/2026 (сентарская подбора практика)	
ААО-322780/2024	10 дело 33	3/19/2025					8/8/2026 (сентарская подбора практика)	
ААО-227294/2023	10 дело 34	06.08.2024					8/8/2026 (сентарская подбора практика)	

AFTER

ARTICLE 248.1 APC
EXCLUSIVE
JURISDICTION
OF RUSSIAN COURTS

Author: Khamida Kabulidina

CLAIMANT'S
POSITION

Respondent unlawfully blocked claimant's accounts due to the US sanctions. The foreign bank refused to return the deposited funds to claimant, thereby causing losses. Resolution of the dispute in Hong Kong would violate Russian public policy, as the Hong Kong courts would likely treat the sanctions as force majeure and exempt the bank from liability, contrary to Russian law, which regards anti-Russia sanctions as unlawful.

Applied

Case ID №: 127

Highest judicial level:
First instance

Circuit: Moscow circuit

RESPONDENT'S
POSITION

There are no grounds for applying Article 248.1 APC, as Hong Kong (China) is a friendly jurisdiction that has not imposed sanctions, and there are no concerns regarding the impartiality of its courts. The exclusive jurisdiction provision should not override the jurisdiction voluntarily agreed upon by the parties.

Applied

PARTIES
Claimant: Subsidiary of a Russian company incorporated in Hong Kong

Respondent: US and Russian banks within the same group

SANCTIONS
US sanctions against claimant and its founder, subject matter sanctions

COURT'S POSITION

The US sanctions against claimant restrict its access to justice. Article 248.1(4) APC expressly provides for exclusive jurisdiction even where a jurisdictional agreement exists, if sanctions impede claimant's access to justice. According to the expert opinion on Hong Kong law, the Hong Kong courts would interpret the sanctions as force majeure and exempt the bank from liability, which would violate Russian public policy. Accordingly, the jurisdictional provision should not apply, and the dispute falls within the Russian court's jurisdiction of the Russian court.

Applied

SUBJECT
Recovery of damages

FORUM
State court

State court's origin:
Hong Kong (China)

CONCLUSION

The court applied Article 248.1 APC and established its exclusive jurisdiction

ARTICLE 248.2 APC
ANTI-SUIT
INJUNCTIONS

Author: K I A P

CLAIMANT'S
POSITION

The assets that the companies seek to recover through the Cypriot court were lawfully confiscated in accordance with the Russian courts' judgments as proceeds of corruption. Due to EU sanctions and Cyprus being included on the list of "unfriendly-to-Russia" states, the Russian bank lacks access to justice and legal assistance in Cyprus. Continuation of the proceedings places the claimant at an unequal disadvantage vis-à-vis the respondents, violates Russian public policy and threatens Russia's national interests.

Applied

Case ID №: 744

Highest judicial level:
First instance

Circuit: Moscow circuit

RESPONDENTS'
POSITION

Respondents did not participate in the proceedings.

PARTIES
Claimant: Russian Prosecutor General's Office

Respondent:
Cyprus and BVI companies

SANCTIONS
General link to EU sanctions
Personal sanctions against a large Russian bank

COURT'S POSITION

The sanctions imposition against Russia by Cyprus has been confirmed, restricting the Russian bank's access to justice. This constitutes sufficient grounds for the dispute to fall within the Russian arbitral (commercial) courts' exclusive jurisdiction under Article 248.1 APC RF. The existence of parallel proceedings in Cyprus has been confirmed. Continuation of the proceedings abroad would place the respondents in a manifestly unequal and preferential position, which is impermissible.

SUBJECT
Prohibition on initiating, continuing or supporting legal proceedings against the sanctioned Russian bank and entities under its control

FORUM
State court

State court's origin:
Cyprus

CONCLUSION

Injunction issued under Article 248.2 APC

ARTICLE 248.1 APC
EXCLUSIVE
JURISDICTION
OF RUSSIAN COURTS

Author: K I A P

CLAIMANT'S
POSITION

The dispute should be heard in Russia despite the jurisdictional clause in favor of the Norwegian court contained in the insurance policy. At the same time, the parties are subject to another jurisdictional clause in favor of the United Kingdom courts under the cover note. Therefore, the parties have not agreed on a forum for resolving disputes. Respondent would face difficulties in protecting its own rights in Norway due to sanctions, which impede respondent's access to justice and render the jurisdictional agreement unenforceable.

Applied

Case ID №: 667

Highest judicial level:
Appellate court

Circuit: Povolzhsky circuit

RESPONDENT'S
POSITION

The insurance policy contains a clear jurisdictional clause providing for disputes to be heard by the competent courts of Norway. There are no grounds for applying Article 248.1 APC: claimant is neither a Russian entity nor subject to sanctions, and there are no barriers to access to justice in Norway as respondent is able to engage foreign counsel. Respondent voluntarily assumed the risks of litigating in Norway when concluding the jurisdictional agreement in the insurance policy.

Applied

PARTIES
Claimant: Marshall Islands company

Respondent:
Russian company

SANCTIONS
General EU's sanctions

COURT'S POSITION

Initially, the court of first instance did not apply Article 248.1 APC. The appellate court quashed the judgment of the court of first instance. The imposition of sanctions on a Russian respondent in itself indicates a restriction on its access to justice, as confirmed by the position of the Russian Supreme Court. Sanctions may create obstacles to conducting foreign proceedings, and are not limited to establishing an absolute inability to access justice.

Applied

SUBJECT
Recovery of insurance compensation

FORUM
State court

State court's origin:
Norway, The United Kingdom

CONCLUSION

The appellate court disagreed with the lower court and held that the dispute falls within the exclusive jurisdiction of the Russian courts under Article 248.1 APC