

Appeals in Civil Procedure Comparison of Various European Jurisdictions

Main Question	Additional Question	England & Wales	Norway	Croatia	Austria	France	Germany	Lithuania	Netherlands	Italy	Russia
1. Are cases with <i>predominant features of private law</i> adjudicated by tribunals other than 'courts of ordinary jurisdiction'?		NO	NO	YES	NO	YES	YES	NO	NO	NO	YES
	1.1. If so, do specialised tribunals exist to deal with such disputes alongside 'courts of ordinary jurisdiction'?	Not Applicable (N/A)	N/A	YES Commercial courts	N/A	YES a) Commercial tribunals; b) Employment tribunals; c) Social security tribunals; d) Farm lease tribunals	YES Labour courts	N/A	N/A	N/A	YES a) Arbitrazh (commercial) courts; b) Military courts
	1.2. Is procedure for such disputes before specialised tribunals codified separately from 'civil procedure' legislation?	N/A	N/A	NO	N/A	NO	YES a) CCP; + b) Labour Courts Act	N/A	N/A	N/A	YES a) CCP; or b) CAP
2. Can <i>public prosecutor</i> intervene on behalf of parties in 'civil procedure'?		NO except on permission of court in exceptional cases	NO	NO	YES but only on behalf of State, not parties	NO	NO	YES	NO	YES but only on behalf of State, not parties	YES
	2.1. If so, is prosecutor entitled to plead during hearings and on appeal?	YES but only in exceptional cases where court permission is granted	N/A	N/A	YES	N/A	N/A	YES	N/A	YES	YES
3. Has working <i>legal aid</i> mechanism in 'civil procedure' been in place for:	a) less than 5 years; or	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	b) 5-20 years; or	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES
	c) more than 20 years?	YES	YES	YES	YES	YES	YES	NO	YES	YES	NO
4. In 2012, following <i>amount</i>	a) less than EUR 1; or	NO	NO	YES EUR 0.1 (2010 data)	NO	NO	NO	NO	NO	NO	YES EUR 0.7 (2010 data)

¹ The notion of 'civil procedure legislation' in this table is to be construed within the meaning of domestic law concerned, whether it involves one Code or a set of statutes. In case of

per inhabitant per year was devoted for the legal aid system in all types of cases:	b) EUR 1 to 5; or	NO	NO	NO	YES EUR 2.2	NO	NO	YES EUR 1.20 (2011 data)	NO	YES EUR 2.1 (2010 data)	NO
	c) EUR 5 to 20; or	NO	NO	NO	NO	YES EUR 5.6 (2010 data)	YES EUR 6.0 (2012 data)	NO	NO	NO	NO
	d) EUR 20 and more?	YES EUR 45.7 (2010 data)	YES EUR 43.5 (2010 data)	NO	NO	NO	NO	NO	YES EUR 21.6 (2010 data)	NO	NO
5. On average, legal aid is <i>granted</i> in 'civil procedure' in every:	a) 20 th case or less frequently; or	NO	Unspecified	YES	YES	YES	NO	YES	NO		YES
	b) 5 th to every 20 th case; or	NO	Unspecified	NO	NO	NO	YES	NO	YES		NO
	c) 5 th case or more frequently?	YES	Unspecified	NO	NO	NO	NO	NO	NO		NO
6. Specify average minimum amount of income to qualify for legal aid under 'means test' in 'civil procedure'	a) less than £2,657 per month gross income OR b) less than £8,000 in financial assets.	a) less than EUR 30,000 annual income AND b) less than EUR 12,500 taxable financial assets	a) less than EUR 350 per month gross income AND b) three conditions regarding assets	no 'means test'	less than EUR 930 per month gross income; + additional conditions for couples	a) less than EUR 370 per month net income (rent+insurance deducted) for singles OR b) less than EUR 692 per month for <i>married couple</i> without children (+ EUR 243 per child increase in threshold increase)	less than EUR 2,317 gross annual income	a) less than EUR 24,800 gross annual income for singles OR b) less than EUR 35,600 gross annual income for <i>married couple</i> AND less than EUR 20,661 in assets (for both categories)	less than EUR 10,766 gross annual income	less than minimum regional living wage from 4,900 to 13,000 RUR per month	
7. How many court instances ² are available in 'civil procedure' in the same		4	3	3	3	3	3	3	3	3	4
	7.1. Are 'leapfrog' appeals ('jumping' one level of jurisdiction) possible?	YES	YES but very uncommon	NO	NO	YES 'evocation'	YES	NO	YES	YES	NO

² Notions of 'court instances' and 'instances' in this comparative table are synonymous. Therefore, an appeal to a non-judicial (administrative) authority is not to be taken into account in this exercise. Likewise, the first level of review by a court (tribunal) will be considered in this table as '1st instance', even if that court (tribunal) acted on 'appeal' from an administrative act or decision.

case?											
8. Relationship between number of appeals and professional judges.	8.1 Number of 1 st instance court judgments on the merits in 'civil procedure' subjected to <i>appeal</i> (2 nd instance review) ³ in 2012 / per 100,000 inhabitants	total appeal figures unavailable but Court of Appeal disposed of 1,263 appeals in 2011	39.5	unspecified	312 (26,403 appeals)	358 (233,107 appeals)	319 (264,900 appeals)	457 (14,623 appeals)	94.6 (15,800 appeals)	unspecified	453 (648,107 appeals)
	8.2. Percentage of total number of 1 st instance court judgments on the merits in 'civil procedure' subjected to 2 nd instance review ⁴ in 2012.	less than 10%	12.6%	35%	25.15%	24.85%	16%	8%	9%	17%	17%
	8.3 Number of professional judges per 100,000 inhabitants	3.6	11.2	42.8	17.8	10.7	24.3	23.6	13	11	22.6
	8.4 Number of appeals at 2 nd instance per professional judge	unspecified	3.5	unspecified	17.5	33.5	13.1	19.4	7.3	unspecified	20
	8.5 Admissibility rate at 2 nd instance (difference between admissible appeals and requests; only for systems with permissions to appeal).	less than 10%	around 50%	N/A	N/A	N/A	unspecified	N/A	unspecified	N/A	N/A
9. Can parties agree early in the proceedings to skip appeal, in which case no higher review will be possible following 1 st instance judgment?	YES	YES	unspecified	NO	NO	YES	NO	unspecified	YES	NO	
10. Is 3 rd instance available in 'civil procedure'?		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
	10.1 Number of cases admitted for review on the merits at 3 rd instance ⁵ in 2012 (indicate also number of total permissions to appeal at 3 rd instance) / per 100,000 inhabitants	0.1 (67 cases)	1.6 (82 cases)	unspecified	29 (2,438 cases)	14.4 (9,346 cases)	2.4 (1,945 cases)	23 (731 cases)	(400 cases)	unspecified	172 (245,503 cases)
	10.2 Percentage of total number of 1 st instance court judgments on the merits in 'civil procedure' subjected to 3 rd instance review in 2012.	less than 0.1%	0.5%	3.4%	2.32%	0.8%	0.5%	0.4%	unspecified	1%	1%

³ In systems with permission to appeal, indicate separately a total number of appeal requests lodged, and the number of appeals that were actually allowed (examined on the merits).

⁴ In systems with permission to appeal, indicate separately a total number of appeal requests lodged, and the number of appeals that were actually allowed (examined on the merits).

⁵ In systems with admissibility procedure at 3rd instance, indicate separately a total number of appeal requests lodged, and the number of appeals that were actually allowed (examined on the merits).

	10.3 Admissibility rate at 3 rd instance (difference between admissible appeals and requests)	less than 1%	17%	unspecified	unspecified	unspecified	unspecified	29%	around 50%	unspecified	unspecified
11. Is right to appeal from judgment at 1 st instance in 'civil procedure' (availability of review on the merits at 2 nd instance):	a) absolute; or	NO but no permission to appeal is required: a) against committal order; b) refusal of <i>habeus corpus</i> ; and c) secure accommodation order	NO	YES	NO	NO	NO	YES	NO	NO	YES
	b) qualified by statute (limited to certain categories of cases, or has to satisfy certain conditions defined in legislation; specify all categories of cases which are excluded from appeal); or	NO	YES cases valued at less than EUR 15,000 cannot be appealed	NO	YES	YES cases valued at less than EUR 4,000 cannot be appealed	YES cases valued at less than EUR 600 cannot be appealed	NO	YES cases valued at less than EUR 1,850 and some labour cases cannot be appealed	YES	NO
	c) qualified by statute + practice / permission to appeal?	YES test of 'real prospect of success or some other compelling reason'	YES test of reasonable prospect of success (but used rarely in practice)	NO	NO	NO	YES test of a) reasonable doubts as to facts having been correctly established; b) 'matter of fundamental significance or c) development of uniform practice'	NO	NO	NO	NO

12. Is right to appeal from decision at 2 nd instance in 'civil procedure' (availability of review on the merits at 3 rd instance):	a) absolute; or	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO but YES in <i>arbitrazh</i> procedure
	b) qualified by statute to any point of law (or limited to certain categories of cases, or has to satisfy certain conditions defined in legislation; specify all categories of cases which are excluded from appeal); or	NO	NO	YES <i>locus standi</i> for 'regular review' depends on: a) amount in dispute, and b) type of case	NO	NO	YES test of a) legal matter of 'fundamental significance' or b) uniformity of practice	NO	YES legal aid is required	YES	NO
	c) qualified by statute + practice to some points of law only / permission to appeal?	YES test of: a) 'point of general public importance' + b) 'necessary to be considered by SC'	YES a) 'principle interest' must be shown; b) case must be 'important' to be heard by SC	YES test of 'exceptional review' (irrespective of type of case): a) importance to uniform jurisprudence; and b) 'equality of citizens'	YES test of: a) serious breach with impact on uniform jurisprudence; or b) lower court did not follow SC practice; or c) SC has no practice on matter	YES test of 'serious ground'	NO	YES test of: a) serious breach with impact on uniform jurisprudence; or b) lower court did not follow SC practice; or c) SC has no practice on matter	NO	NO	YES test of: a) serious breach; + b) which affected outcome of case + c) correction necessary for protection of rights or public interest
13. Is 4 th instance available in 'civil procedure'? If so, specify how many cases were examined at 4 th instance in 2012.	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
14. Is appeal against <i>jury verdict</i> possible in 'civil procedure'?	YES notably in false imprisonment and defamation cases	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15. Is only one 'sub-level' ⁶ of review available at one level of jurisdiction in	YES albeit exceptional theoretical right exists for High	YES	YES	YES	YES	YES	YES	YES	YES	YES albeit summary decisions rendered <i>ex parte</i> in	NO

⁶ 'Sub-level' means fresh review of merits of the same case by a different judicial formation or court, while retaining the same title of instance. Essentially, existence of a 'sub-level' denotes *double* appellate or higher review.

'civil procedure' in one case?		Court or Court of Appeal to re-open final appeal: a) 'to avoid real injustice', + b) 'there is no other remedy'								exceptional cases may be subject to opposition before the same court	
	15.1. If not, how many sub-levels of 2 nd instance review are possible?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15.2. If not, how many sub-levels of 3 rd instance review are possible?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
16. How many courts in 'civil procedure' deal with:	a) appeals at 2 nd instance;	232 consisting of 3 types of courts: a) 223 County courts; b) 1 High Court (8 regional divisions); and c) 1 Court of Appeal	6 Courts of Appeal	16	21	36 Courts of Appeal	140 consisting of 2 types of courts: a) 116 Regional courts; and b) 24 Higher Regional courts	6 consisting of 2 types of courts: a) 5 Regional courts; and b) 1 Court of Appeal	4 Courts of Appeal	191 consisting of 2 types of courts: a) 165 Tribunals (soon to be reduced); and b) 26 Courts of Appeal	2447 consisting of 3 types of courts: a) 2352 District courts; b) 93 Regional courts (including 10 military circuit courts); c) 1 Supreme Court
	b) appeals at 3 rd instance?	2 Court of Appeal and Supreme Court	1 Supreme Court	1 Supreme Court	1 Supreme Court	1 Cassation (Supreme) Court	1 Supreme Court	1 Supreme Court	1 Cassation (Supreme) Court	1 Cassation (Supreme) Court	94 consisting of 2 types of courts: a) 93 Regional courts (including 10 military circuit courts); b) 1 Supreme Court
17. Can the same court in 'civil procedure' act in different cases:	a) at 1 st and 2 nd instance;	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
	b) at 2 nd and 3 rd instance;	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

	c) at all three instances?	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
18. Can <i>the same court</i> (albeit in different judicial formation) in 'civil procedure' act in the same case:	a) at 1 st and 2 nd instance;	YES	NO	NO	NO	NO	YES	NO	NO	NO	YES
	b) at 2 nd and 3 rd instance;	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
	c) at all three instances?	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
19. <i>Appeal</i> for review at 2 nd or 3 rd instance in 'civil procedure' may be submitted by:	a) parties only;	NO	YES	NO see below	NO	NO	NO	NO	YES	NO	NO
	b) parties and third parties as long as they were participants at 1 st instance proceedings;	YES	NO	YES as definition of 'parties' includes interested third persons	YES	YES	YES	YES	NO	YES 3 rd parties who participated at 1 st instance are considered 'parties' on appeal	YES
	c) also by <i>non-participants</i> at 1 st instance as long as their rights or obligations were affected by lower judgment;	NO	NO	YES as definition of 'parties' includes interested third persons	NO	YES other 3 rd parties may bring extraordinary appeal ('3 rd party opposition')	NO	NO	NO	YES other 3 rd parties may bring extraordinary appeal ('3 rd party opposition')	YES
	d) also by non-participants at 1 st instance, even if their rights or obligations were not affected by lower judgment?	NO	NO	YES only in family and some exceptional cases	NO	YES only in cases of forced intervention	NO	NO	NO	NO	YES only prosecutor
20. What is <i>time-limit</i> (from moment of delivery of lower judgment) in 'civil procedure':	a) for appeal at 2 nd instance;	21 days	1 month	15 days but 8 days in urgent cases	4 weeks	15 days (interim orders) or 1 month (judgments on the merits)	1 month	30 days	3 months	a) 30 days from service or b) 6 months from publication of judgment	1 month
	b) for appeal at 3 rd instance?	a) 21 days to Court of Appeal; or b) 28 days to	1 month	30 days	4 weeks	2 months	1 month	3 months	3 months	a) 60 days from service or b) 6 months from publication	6 months

		Supreme Court								of judgment	
	20.1 In systems with permission to appeal, can repeated appeals (requests for review at 2 nd or 3 rd instance) be submitted to the same court that refused permission earlier, as long as the time-limit for appeal is respected?	NO	NO	NO	NO	NO	NO	YES at 3 rd instance	NO	NO	NO
21. Is <i>separate judgment on merits and damages/costs or sanction</i> possible in 'civil procedure'?		YES	YES	YES for 'partial' or interim judgments only	YES for 'partial' or interim judgments only	YES	NO	NO	YES	YES	NO
	21.1. If so, is separate appeal (from appeal on the merits) possible?	YES	YES	YES	YES	YES	N/A	N/A	YES	YES	N/A
	21.2. If so, is there different time-limit for the separate appeal?	NO	YES	YES	NO	YES shorter time-limit for appeal on costs (15 days)	N/A	N/A	NO	NO but it is possible to postpone appeal vs. 'partial' decision	N/A
22. Is <i>separate pronouncement of operative part and full written decision</i> at 1 st instance possible in 'civil procedure' (as opposed to delivery by pronouncement of full reasoned decision only)?		YES	NO	YES albeit basic reasons must be pronounced orally upon delivery in open court	YES albeit basic reasons must be pronounced orally upon delivery in open court	NO	YES	NO	NO	YES in limited types of cases (labour etc.)	YES
	22.1. If so, is decision considered delivered when pronounced, even if no full reasons are given at that time (so-called 'head-and-tail' decision)?	YES	N/A	NO only full reasoned decision is considered delivered	YES	N/A	NO only full reasoned decision is considered delivered	N/A	N/A	NO only full reasoned decision is considered delivered	YES
	22.2. Is time-limit imposed by law on 1 st instance court to formulate reasons after delivery (specify time-limit)?	NO	N/A	YES 30 days from operative part ('head-ant-tail')	YES 4 weeks	N/A	NO	N/A	N/A	YES	YES 5 days
	22.3. Does lack of reasoned decision have suspensive effect on time-limit for appeal (specify if this is stipulated in legislation or by practice)?	NO but in practice parties may ask for more time awaiting	N/A	YES	NO	N/A	YES time-limit starts running from: a) delivery of full reasoned	N/A	N/A	YES	YES

		delivery of full reasoned decision					decision; or b) 5 months after operative part ('head-and-tail')				
23. Does 1 st instance judgment become effective when delivered (whether in 'head-and-tail' or full reasoned form)?	YES	NO unless specified (in special cases only)	YES	YES	YES	YES	YES	NO effective only upon expiry of appeal time-limit	YES	YES	NO effective only upon expiry of appeal time-limit
24. Is court at any instance obliged to furnish written version of its <i>decision at no cost</i> for party in 'civil procedure' (if not, specify costs of full written decision at 1 st , 2 nd and 3 rd instance)?	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
25. Is right to request <i>extension</i> and/or <i>reinstatement of appeal time-limit</i> in 'civil procedure':	a) qualified by statute (+ specify test); or	NO	NO	YES a) 'good reason' test; b) not later than 15 days from end of that reason, and c) not later than 3 months from failure	YES	YES a) default judgments; or b) non-contentious decisions; or c) 'good reason' test in other cases	YES appellant must show that he was at no fault	YES 'good reason' test	NO	YES appellant must show that he was at no fault	YES a) 'good reason' test; b) not later than 1 year after 2 nd or 3 rd instance decision
	b) qualified by practice / is in discretion of court (comments on usual test)?	YES discretion of court, usually appellant must show that he was at no fault	YES only reinstatement	NO	NO	NO	NO	NO	YES discretion of court, usually appellant must show that he was at no fault	NO	YES 'good reason' usually includes: a) receipt of written decision after expiry of time-limit; b) illness; c) incapacity
26. Is requirement for court at 1 st , 2 nd or 3 rd instance, in 'civil procedure, to examine case within <i>certain time-limit</i> formulated by way of:	a) specific period defined in statute; or	NO	NO	NO except for family cases (where it is ignored in practice)	NO	NO	NO	NO	NO	NO	YES
	b) relative notion (i.e. 'reasonable time')?	YES through ECHR application	YES through ECHR application;	YES	YES	YES through ECHR application	YES	YES	YES	YES	YES enshrined in statute, and through

			it is also expected that courts at all levels should handle cases within 6 months								ECHR application
	26.1. Does separate statutory procedure exist for speeding-up delayed cases and receiving compensation in 'civil procedure'?	NO but in practice expedition may be sought though party representations	YES	YES	NO	NO	NO	YES	NO	YES	YES
27. Is stamp duty / court fee paid in 'civil procedure' by claimant only?		YES	YES	NO	YES	YES	YES	YES	NO	unspecified	YES
	27.1 Is stamp duty/court fee reimbursable depending on party success of appeal (or permission to appeal)?	YES	NO	unspecified	YES	YES	YES	YES	YES	unspecified	YES
	27.2 Form and rate of stamp duty / court fee at 1 st instance in 'civil procedure' (specify if different with regard to particular categories of cases).	a) non-pecuniary claims: £465 in High Court or £175 in County Court; b) possession claims (online): £100; c) pecuniary claims: £5000-15000 fee is £245; for claims of £200,000-250,000 fee is £1275	from EUR 500 to 800 depending on number of days of main hearing (paid <i>ex post facto</i>)	a) EUR 70 for non-pecuniary claims; b) 1-5% of size of pecuniary claim, but total fee amount cannot exceed EUR 700	varies greatly depending on type and size of pecuniary claim	EUR 35	From 1.78% to 23% of size of pecuniary claim (for instance, fee of EUR 140 is charged for claim of EUR 600)	a) EUR 29 for non-pecuniary claims; b) 1-3% of pecuniary claim size + additional fixed fees for pecuniary claims; BUT total fee amount cannot exceed EUR 8,688	a) EUR 75-1,553 for individuals depending on type and size of claim, OR b) EUR 112-3715 for legal persons depending on type and size of claim	From 2.8% to 3.6% depending on size of pecuniary claim	a) 1-4% of pecuniary claim; + b) EUR 5 for non-pecuniary claim for individuals; OR b) EUR 5-100 for non-pecuniary claim for legal persons
28. Is party required to pay additional stamp duty / court fee on appeal in	a) at 2 nd instance (specify rate);	YES a) Court of Appeal: £465 when permission has been given by	YES EUR 25,000	YES 2-10% of size of pecuniary claim, but total fee amount cannot exceed	YES	YES EUR 150 paid by both parties	YES a) 1 st instance rate, AND b) 33% surcharge	YES same rate as 1 st instance	YES a) EUR 299-1,553 for individuals depending on type and	YES a) 1 st instance rate, AND b) 50%	NO for pecuniary claims YES for non-pecuniary

'administrative procedure':		lower court; AND additional £235 for consideration of leave to appeal; or b) High Court: £235; or c) County Court: £115-£135		EUR 1,400					size of claim, OR b) EUR 683-4,961 for legal persons depending on type and size of claim	surcharge	claims (half of 1 st instance rate)
	b) at 3 rd instance (specify rate)?	YES a) Court of Appeal: £465 when permission has been given by lower court; AND additional £235 for consideration of leave to appeal; or b) Supreme Court: £1,000	YES EUR 25,000	YES 2-10% of size of pecuniary claim, but total fee amount cannot exceed EUR 1,400	YES	YES EUR 35	NO but court fees can be charged at end of proceedings	YES same rate as 1 st instance	YES a) EUR 309-1,862 for individuals depending on type and size of claim, OR b) EUR 747-6,204 for legal persons depending on type and size of claim	YES a) 1 st instance rate, AND b) 100% surcharge	NO for pecuniary claims YES for non-pecuniary claims (same rate as 1 st instance)
29. Is obtaining legal advice / representation by lawyer required in order to submit appeal in 'civil procedure':	a) at 2 nd instance;	NO	NO but it is almost always done	NO	YES	YES except in labour and farm lease cases	YES	NO	YES	YES	NO
	b) at 3 rd instance?	YES	NO but it is almost always done	YES	YES	YES	YES	YES	YES	YES	NO
30. Can procedural rights of party who chose to represent himself in 'civil procedure' be restricted at 2 nd or 3 rd instance?		YES legal advice required for application to SC	NO but hearing is adapted to unrepresented applicants (more active judge)	NO	YES legal advice required for appeal	YES obligatory representation from 3 rd instance	YES obligatory representation from 2 nd instance, otherwise any act of party is null and void	YES obligatory representation from 3 rd instance	NO	YES obligatory representation from 2 nd instance	NO
31. Do some categories of disputes in 'civil procedure' not allow appeal against 1 st instance		NO	NO	NO	NO	YES	YES	YES default	YES a) claims	YES	NO

decision (specify categories)?						claims under EUR 4,000	claims under EUR 600	judgments cannot be appealed, only set aside	under EUR 1,850; or b) dissolution of employment contracts	opposition against enforcement on formal grounds	
32. Appeal in 'civil procedure' is examined by following formation of judges:	a) at 2 nd instance;	1 or 3	3 (+ lay judges in some cases)	1 or 3	3 or 5	1 or 3	1 or 3	1 or 3	1 or 3	1 or 3	1 or 3
	b) at 3 rd instance.	a) 1 or 3 (Court of Appeal); b) 5,7 or 9 (Supreme Court)	5, 9 (in Grand Chamber, or 20 in very rare cases)	3 or 5	5, 7 or 9	5 or more	5	3 or 7	3 or 5	5 or 9	3
33. Are rules of 'civil procedure' essentially the same for hearings at 1 st and 2 nd instance?		YES	YES	YES but there are very rarely hearings in practice at 2 nd instance	YES	YES	YES	YES	YES	YES	YES
34. Is 1 st instance court in 'civil procedure' involved in any formalities (collection of paperwork, admissibility procedure etc.) with regard to appeal, apart from the question of permission to appeal?		NO	YES	YES	YES	NO	NO	YES	NO	NO	YES
35. Is 2 nd instance court in 'civil procedure' involved in any formalities (collection of paperwork, admissibility procedure etc.) with regard to appeal at 3 rd instance, apart from the question of permission to appeal?		NO	YES	NO	YES	NO	NO	NO	NO	NO	NO
36. Is appellant required to send copies of his appeal to other party/parties in 'civil procedure'?		YES	YES	NO	YES	NO	NO	NO	NO	YES	NO
37. Is directions hearing and separate decision to start appeal proceedings at 2 nd or 3 rd instance necessary in 'civil procedure'?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
38. Is organising hearing on the merits in 'civil procedure' at 2 nd instance:	a) obligatory for court; or	YES	NO	NO	NO	YES	YES	NO	YES	NO	YES
	b) obligatory but parties can request court to dispense with hearing; or	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
	c) obligatory only if requested by party; or	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

	d) in discretion of court (comments on usual test)?	NO	YES but main oral hearing is almost always held	YES 'necessity' test, for instance, for retaking evidence	YES 'necessity' test, for instance, for retaking evidence	NO	NO	YES 'necessity' test, for instance, for retaking evidence	NO	NO	NO
39. Is organising hearing on the merits in 'civil procedure' at 3 rd instance:	a) obligatory for court; or	YES	NO	NO	NO	YES	YES	NO	NO	NO	YES
	b) obligatory but parties can request court to dispense with hearing; or	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
	c) obligatory only if requested by party; or	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	d) In discretion of court (+ comments on usual test)?	NO	YES but main oral hearing is almost always held	YES	NO	NO	NO	YES	YES	YES	NO
40. Can court in 'civil procedure' at 2 nd or 3 rd instance invite representatives (lawyers) but not parties to hearing?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	40.1. Can absent party delegate to its lawyer right to be present at hearing of appeal at 2 nd or 3 rd instance?	YES	NO at 2 nd instance YES at 3 rd instance	YES	YES	YES	YES	YES	YES	YES	YES
	40.2 Do parties themselves usually appear before 2 nd or 3 rd instance courts in practice?	YES	YES at 2 nd instance yes NO at 3 rd instance (parties may attend as observers only)	unspecified	NO	NO	YES (at 2 nd instance) NO (at 3 rd instance)	NO	NO	NO	YES
41. Can public officials ('Attorney General', prosecutor etc.) - not parties to proceedings - take part in examination of appeal in 'civil procedure' at 2 nd or 3 rd instance in absence of parties?		NO	NO	YES but only in cases concerning welfare of children and social care	NO	NO	YES	NO	YES at 3 rd instance only	YES at 3 rd instance only	YES when prosecutor initiated 2 nd or 3 rd instance proceedings
42. Can court in 'civil procedure' at 2 nd or 3 rd instance		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
	42.1 Is electronic communication (email, SMS) sufficient to constitute	NO	NO	unspecified	YES electronic communication	NO	NO	NO	NO	unspecified	YES in some

proceed with hearing in <i>absence</i> of one party who was given 'reasonable notice'?	'reasonable notice', for party that had agreed to such option in advance?				ion obligatory for private lawyers and legal institutions						courts only (pilot regions)
	42.2 Is communication with lawyer sufficient to constitute 'reasonable notice'?	YES	YES	unspecified	YES	YES	YES	YES	YES	unspecified	NO
	42.3 Is communication with party by regular or registered post <i>always</i> required to constitute 'reasonable notice'? Specify if repeated letters needed in this respect.	NO	YES	unspecified	NO	NO	NO	NO	NO	NO	unspecified
43. Is right of party to request court to <i>postpone</i> hearing at 2 nd or 3 rd instance in 'civil procedure':	a) qualified by statute ('good reason' test); or	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO
	b) qualified by practice / is in discretion of court?	YES discretion of court	YES	YES hearings are adjourned until there are a) 'no further proposals', or b) 'matter is sufficiently clarified' and 'ripe for decision'	NO	YES adversarial principle	NO	YES 'good reason' test applied in practice	YES 'good reason' test applied in practice	YES 'good reason' test applied in practice	YES but only In exceptional cases (serious illness etc.)
44. Is party required to indicate separately its factual and legal arguments of claim in 'civil procedure':	a) at 1 st instance;	NO	YES	NO	NO	NO but they almost always do so	NO	NO	NO	NO	NO
	b) at 2 nd instance?	NO	YES	NO	YES	NO but they almost always do so	NO	NO	NO	NO but complaints of fact and law 'must be clearly stated'	NO
45. Do special forms exist for filling in appeals at 2 nd or 3 rd instance?		YES	NO	unspecified	NO	NO	NO	NO	NO	unspecified	YES
46. Is right of party in 'civil procedure' to request court at 2 nd instance to re-examine facts established at	a) absolute; or	NO	YES	NO	NO	YES	NO	NO	YES	YES but no new evidence can be presented	YES
	b) qualified by statute (cases of 'serious' procedural	NO	NO	YES a) in case of erroneously or	NO	NO	YES reasonable doubts	YES only in case	NO	NO	NO

1 st instance:	breaches at 1 st instance etc. specify grounds); or			incompletely established facts; or b) serious breaches of procedural rules			must be shown as to facts having been correctly established at 1 st instance	of 'manifestly ill-founded' 1 st instance judgment			
	c) qualified by statute + practice / in discretion of court?	YES albeit in practice appeals rarely involve re-examination of facts	NO	NO	YES	NO	NO	YES if appellate court considers additionally that human rights or public interest may be involved	NO	NO	NO
47. Is right of party in 'civil procedure' to allege new facts or present fresh evidence at 2 nd instance:	a) absolute; or	NO	YES	NO	NO	YES	NO	NO	YES	NO	NO
	b) qualified by statute (cases where party could not present impugned facts or evidence at 1 st instance etc.); or	NO	NO	NO	YES	NO	YES	NO	NO	YES	YES
	c) qualified by practice / in discretion of court (+ comments on usual test)?	YES where a) that evidence could not have been obtained with 'reasonable diligence' earlier + b) importance of new evidence on result (although it need not be decisive); + c) credibility of new evidence	NO	YES as statute sets general rule that no new evidence will be presented on appeal	NO	NO	NO	YES where appellate court deems it 'necessary'	NO	NO	NO
48. Can additional costs be levelled at party in 'civil procedure' wishing to allege new facts , present fresh evidence or contest facts as found at 1 st instance by conducting new expert examination, summoning new witness at 2 nd instance?	YES	YES	N/A	NO	YES	NO	NO	NO	NO	NO	YES

49. Does 'civil procedure' provide for possibility of appeal on points of law only?		YES	YES	NO	YES	YES	YES	YES	YES	YES	YES
	49.1. a) If so, does scope of 'full appeal' (+facts and law) or appeal on points of law is based on party choice; or	NO	YES	N/A	YES	YES	YES	YES	YES	YES	YES
	49.1. b) is in discretion of court?	YES permission to appeal can a) limit issues to be heard; and b) be made subject to conditions	NO	N/A	NO	NO	NO	NO	NO	NO	NO
50. Is right of party in 'civil procedure' to reformulate at 2 nd instance its claims on points of law from what was originally claimed at 1 st instance:	a) absolute; or	NO	YES	N/A	NO	NO	NO	NO	YES	NO	NO
	b) qualified by statute;	NO	NO	N/A	NO	YES only 'related' or 'consequential' claims allowed	YES	YES any new claim must be 'integrally related' to main claim	NO	NO	YES no new claims allowed but reformulation of old claims is possible
	c) qualified by practice / in discretion of court (comments on usual test)?	YES	YES court sets time-limit for new evidence and legal arguments before main hearing	N/A	NO	YES if same action	NO	NO	NO	YES if same action	NO
51. Can court in 'civil procedure' at 2 nd instance inquire ex officio (sua sponte) into following, if not raised by parties:	a) facts of case;	YES but such review is highly exceptional in practice	YES but only in cases where parties do not have full disposition, i.e. family cases	YES but such review is highly exceptional in practice	NO	YES	YES	YES	NO	NO	YES ⁷
	b) errors in application of substantive law;	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES

⁷ The powers of judicial inquiry ex officio in Russia are only limited by the statutory requirement of the 'interest of lawfulness', which has not been defined consistently in practice.

	c) breaches of procedural law?	YES	YES	YES but limited only to very serious breaches	YES	YES 'public policy' ('order') grounds only	YES	YES	YES	YES limited list of serious procedural breaches	YES
52. Is right of party in 'civil procedure' to reformulate at 3 rd instance its arguments on points of law:	a) absolute; or	NO	YES	YES	YES	NO	YES	YES	YES	NO	YES
	b) qualified by statute; or	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	c) qualified by practice / in discretion of court (comments on usual test)?	YES but such reformulation 'must not prejudice the other party'	NO	NO	NO	YES as a general rule, no substantive reformulation allowed; 'pure legal grounds' always allowed	NO	NO	NO	YES as a general rule, no substantive reformulation allowed	NO
53. Can court in 'civil procedure' at 3 rd instance inquire <i>ex officio (sua sponte)</i> into following, if not raised by parties:	a) facts of case;	YES but such review is highly exceptional in practice	NO	NO	NO	NO	NO	NO	NO	NO	NO
	b) errors in application of substantive law;	YES	YES	NO	YES	YES 'pure legal grounds' only	YES	YES	YES	NO	YES
	c) breaches of procedural law?	YES	YES	NO	YES	YES 'public policy' ('order') grounds only	YES	YES	YES	NO	YES
54. Are 1 st , 2 nd or 3 rd instance courts in 'civil procedure' required to keep transcripts of hearings (if so, specify exceptions)?		YES	YES	YES	YES	YES	YES	YES only at 1 st instance	YES	YES	YES at 1 st and 2 nd instance
	54.1. If so, are hearing transcripts available to parties at a cost (stamp duty/fee must be paid)?	YES	YES	YES	YES	NO	NO	NO free of charge	NO free of charge	YES	NO free of charge
55. Can party or its representative independently record 1 st , 2 nd or 3 rd instance		NO court	YES but	NO	NO	NO	NO	YES but party	NO court	NO	YES

hearings in 'civil procedure' by way of electronic facility?	permission required	presiding judge may disallow					must inform court of its intention to record	permission required		except for closed hearings	
56. Examination of appeal in 'civil procedure' can result in:	a) at 2 nd instance, new judgment;	YES	YES	YES	YES	YES	YES	YES	YES	YES	
	b) at 2 nd instance, lower decision quashed and case remitted for fresh examination at 1 st instance;	YES	YES	YES	YES	NO but in very rare cases only	YES	NO	YES but in very rare cases only	YES In 4 situations defined in statute	
	c) at 3 rd instance, new judgment;	YES	YES	N/A	YES	YES	YES	YES	NO	NO	
	d) at 3 rd instance, lower decision quashed and case remitted for fresh examination at 1 st or 2 nd instance.	YES	YES	N/A	YES	YES	YES	YES	YES	YES	
57. Can 2 nd instance or 3 rd instance judgment on the merits contain very brief summary of reasons, where lower judgment is upheld on appeal?		NO	YES	unspecified	YES	NO	YES	NO	YES	unspecified	
58. Are interlocutory appeals allowed in 'civil procedure' – separately from appeal against decision on the merits:	a) from interim decisions at 1 st instance;	YES	YES	YES	YES	YES	YES	NO	YES	YES	
	b) from interim decisions at 2 nd instance;	YES	NO	NO	YES	YES	YES	NO	YES	NO	
59. Where separate interlocutory appeal is possible, is right of party to submit interlocutory appeal:	a) absolute; or	NO	NO	NO	NO	NO	NO	N/A	YES	NO	
	b) limited to categories types of cases defined by statute (specify core categories, with particular emphasis on those restricting property rights and liberty); or	NO	YES	NO	YES limited categories of procedural actions of court	YES limited categories of procedural actions of court	YES limited categories of procedural actions of court	YES very many categories of procedural actions of court	N/A	YES	YES very many categories of procedural actions of court
	c) limited to cases of express consent (permission) of court from which interlocutory decision was given?	YES	NO	YES	NO	NO	NO	N/A	NO	NO	
60. Does appellate court hold separate review and		YES	NO	unspecified	YES	YES	YES	YES	unspecified	YES	
	60.1. If so, is examination of interim appeal always	NO	N/A	unspecified	YES	NO	YES	NO	unspecified	NO	

render separate decision on <i>interim</i> appeal from appellate decision on the merits?	restricted to <i>written</i> procedure (no hearing is held)?										
	60.2. If not, specify categories of cases where hearings are held (by statute or practice)	usually all interim appeals are conducted by way of hearing	N/A	unspecified	N/A	N/A	N/A	N/A	N/A	unspecified	Decisions on: a) suspending; b) discontinuing proceedings; c) disallowing action
61. Can appeal time-limit of judgment on merits of case in 'civil procedure' run from <i>interlocutory</i> decision (excluding interim decision to extend time-limit of appeal)?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
62. Can appeal be submitted to court against decision of <i>bailliff</i> in 'civil procedure'?		NO	YES	NO	NO	NO	NO	YES	NO	NO	YES
63. Does appeal against 1 st instance judgment in 'civil procedure' <i>suspend enforcement</i> ?		YES but in very limited cases, at court's discretion	YES unless otherwise stated in rare cases	YES	YES	YES where provisional enforcement is not granted	YES	YES	NO	NO	YES
64. Does appeal lay to court under 'civil procedure' against decision to institute (or not institute) criminal proceedings?		NO	NO	unspecified	NO	NO	NO	NO	NO	unspecified	NO

[FOR NOTES]