

# IACAM

International Association  
on Collaboration in Arbitration Matters

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Questions and answers  
on the Procedure for Recognition and Enforcement  
of Decisions of Foreign Arbitration Courts in LATVIA

## **1. Please name some of the largest arbitration courts in Latvia?**

Riga Arbitration Court ([www.court.lv](http://www.court.lv))

The Court of Arbitration of the Latvian Chamber of Commerce and Industry (LCCI) (<https://www.ltrk.lv/lv/content/30>)

## **2. What law in Latvia governs the activities of arbitration courts?**

Arbitration Law (<https://likumi.lv/ta/id/269189-skirejtiesu-likums>)

Civil Procedure Law (CPL) <https://likumi.lv/ta/id/50500-civilprocesa-likums>.

## **3. What law governs the recognition and enforcement of foreign arbitration awards in Latvia?**

Civil Procedure Law (CPL) - <https://likumi.lv/ta/id/50500-civilprocesa-likums>.

Section 66, Enforcement of arbitration awards, art. 533-537

78. section, Recognition, and enforcement of decisions of foreign arbitration courts, Art. 645 - 651.

## **4. In what year did Latvia join the 1958 New York Convention?**

Latvia joined on April 14, 1992.

## **5. Which court in Latvia looks at an application for recognition and enforcement of a foreign arbitration award?**

An application for recognition and enforcement of a decision by a foreign arbitral tribunal is submitted to a district (city) court for consideration at the place of execution of the decision or the declared place of residence of the defendant, and in their absence - at the place of residence or legal address of the defendant. (Article 647 CPL).

## **6. Does Latvian's legislation provide a mandatory period for the voluntary execution of an arbitration award?**

The term for the voluntary execution of the decision by the debtor is at least 10 days from the date the decision comes into force.

## **7. What documents are attached to an application for recognition and enforcement of a foreign arbitration award?**

Attached to the application:

- 1) a decision of a foreign arbitration court or a copy of it certified in the prescribed manner;
- 2) a document certifying the written agreement of the parties on the transfer of the dispute for consideration to the arbitration court;
- 3) a document confirming the payment of the state fee in the manner and amount established by law, except for the case when the application has been submitted and payment has been made in the electronic system.
- 4) Certificate of residence of an individual (issued by the Office of Citizenship and Migration Affairs), confirming the declared place of residence of an individual (only if an executive document is requested for an individual).
- 5) Translation of the application and documents into the state language prescribed.

**8. In what language are documents submitted? How is the translation of the documents attached to the application carried out?**

Documents or their translation must be in Latvian. Documents can be translated by any translator who certifies the translation of documents with his signature and the following data: Correct translation, Translator's name, surname, personal number, signature, place of translation, and date.

**9. What fee is payable when applying for the recognition and enforcement of a foreign arbitration tribunal in Latvia?**

In accordance with paragraph 10 of paragraph 1 of Article 34 of the CPL, for an application for the issuance of a writ of execution on the basis of a decision of a permanent arbitration court or for the recognition and enforcement of a foreign arbitral award - 1 percent of the amount of the debt, but not more than 285 euros;

**10. Are parties invited to the court to consider an application for recognition and enforcement of a foreign arbitration tribunal?**

An application for recognition and enforcement of a foreign arbitral award shall be considered at a court session with prior notification of the parties. The absence of interested persons is not an obstacle to the consideration of the application.

**11. In what cases and for what reasons can an application for issuing a writ of execution be rejected?**

The grounds for refusing to issue a writ of execution may be the grounds specified in Article 536 of the CPL LR (listed below), as well as the grounds specified in the New York Convention:

- 1) a specific civil law dispute can only be resolved by a court;
- 2) a natural person whose legal capacity is limited or a minor has entered into an arbitration agreement;
- 3) the arbitration agreement has been terminated or declared invalid in accordance with the procedure established by law;
- 4) the party was not properly notified of the arbitration or was unable to provide its explanations for other reasons, which significantly affected the arbitration;
- 5) the party was not properly notified of the appointment of an arbitrator, which significantly affected the arbitration proceedings;
- 6) the arbitrator does not comply with the requirements of the Arbitration Courts Act, the arbitral tribunal has not been established or the arbitration proceedings have not been conducted in accordance with the provisions of the arbitration agreement or the Arbitration Courts Act;
- 7) an arbitration tribunal has rendered a decision on a civil dispute not provided for by the Arbitration Agreement or inconsistent with the provisions of the arbitration agreement, or issues not regulated by the arbitration agreement have been resolved.

**12. Is it possible to appeal against the decision of the state court to satisfy or refuse to satisfy the application for recognition and enforcement of the decision of a foreign arbitration court?**

The decision of a national court to grant or deny an application for recognition and enforcement of a foreign arbitral tribunal may be appealed by filing an ancillary complaint with the District Court, a court of the second instance.

**13. Is this appeal final or is there still a procedure for appealing against such a determination?**

No, the decision of the second instance is final and not subject to appeal.

**14. Is there a procedure for preliminary enforcement of a foreign arbitration award?**

At the request of the applicant, the court may also, in the decision in which the ruling on the recognition of the decision of a foreign arbitral tribunal was adopted, provide for interim measures (seizure of property and funds, prohibition of specific actions in public registers, ...) provided for in Article 138 of the CPL, to ensure the execution of a decision of a foreign arbitration court. In the event that a private complaint is filed against the decision, the interim measures taken shall not be suspended.

**15. How is the enforcement of a decision of a foreign arbitration court carried out after its recognition in a state court?**

A writ of execution shall be issued upon entry into force of a court ruling on the recognition and enforcement of a foreign court decision. The writ of execution, together with the decision of the arbitration court, is submitted to the bailiff to start the execution of coercive measures: the arrest and sale of the debtor's property or the debiting of funds from the debtor's account.