



FOREIGN EXPERIENCE IN THE ENFORCEMENT OF ECONOMIC COURT DECISIONS

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Annotation: *This article examines the foreign experience in the enforcement of economic court decisions and the international legal cooperation of the Republic of Uzbekistan in this area. It analyzes the application of international treaties, conventions, and bilateral agreements, as well as the practices of various countries such as the United Kingdom, Belgium, France, and Japan regarding the participation of legal representatives in court proceedings. The study highlights the importance of aligning Uzbekistan's legal framework with international standards to ensure the recognition and enforcement of foreign court and arbitral decisions.*

Keywords: *Economic court, enforcement, international cooperation, arbitration, international treaties, foreign court decisions, legal representation, comparative law.*

According to the international treaties of the Republic of Uzbekistan, such a treaty represents an equal and voluntary agreement between the Republic and one or more states, international organizations, or other subjects of international law concerning their rights and obligations in the sphere of international relations. Under national legislation, all state bodies and institutions of the Republic of Uzbekistan are required to ensure the fulfillment of obligations undertaken by the Republic under such treaties.

Consequently, employees of these bodies and institutions must be familiar with the content and essence of the international treaties to which Uzbekistan is a party, study them thoroughly, and apply them effectively in practice.

Candidates for judgeship in economic courts, as well as acting judges, often encounter issues related to international cooperation in providing legal assistance in their professional activities. In this regard, two important resolutions serve as guiding documents:

- The Plenum of the Supreme Court of the Republic of Uzbekistan Resolution No. 6 of May 25, 2012, "On Certain Issues of International Cooperation in Civil and Criminal Proceedings," and
- The Plenum of the Supreme Economic Court Resolution No. 248 of May 24, 2013, "On the Application of Legal Acts in Cases Concerning the Recognition and Enforcement of Foreign Court or Arbitral Awards and the Execution of Foreign Court Requests."

These documents define international cooperation in civil, criminal, and economic proceedings as the provision of mutual legal assistance among states in handling such

cases. This includes performing procedural, investigative, and other actions by a competent authority of one state at the request of a corresponding authority of another (foreign) state. Such cooperation is carried out by courts, prosecutors, investigators, and inquiry bodies of Uzbekistan in accordance with the Republic's international treaties on mutual legal assistance.

Paragraph 17 of the Supreme Court Resolution No. 6 (2012) recommends that the Center for the Professional Development of Lawyers under the Ministry of Justice pay special attention to the study and application of Uzbekistan's international treaties regulating issues of international judicial cooperation when organizing training courses for judges and court personnel.

When considering cases involving the recognition and enforcement of foreign court or arbitral awards and the execution of foreign court requests, economic courts of Uzbekistan rely on several key international instruments, including:

- The 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, June 10, 1958);
- The 1992 Kyiv Agreement on the Procedure for Settling Disputes Related to Economic Activity (Kyiv, March 20, 1992);
- The 1993 Minsk Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters (Minsk, January 22, 1993);
- The 1954 Hague Convention on Civil Procedure (The Hague, March 1, 1954); and Bilateral treaties of Uzbekistan on mutual legal assistance, such as the Treaty between the Republic of Uzbekistan and the Republic of Korea on Mutual Legal Assistance in Civil and Commercial Matters (Seoul, September 20, 2012; entered into force on August 11, 2013).

Foreign experience shows that different states impose specific requirements on lawyers who are permitted to represent parties in court.

In the United Kingdom, only qualified lawyers may represent parties in civil proceedings. These lawyers are divided into two main categories barristers and solicitors. Barristers possess exclusive rights to appear before higher courts. To become a barrister, one must complete an apprenticeship under an experienced barrister, undergo long-term study, pass the relevant professional examinations, and then be admitted to one of the Inns of Court.

In Belgium, the legal status of lawyers is governed by the Judicial Code of 1967. According to the Code, only citizens of Belgium or citizens of European Union member states may engage in legal practice. They must possess a doctoral degree in law, take an oath, and be admitted to the Bar Association or included in the list of trainees by the decision of the Bar Council. As a rule, a three-year traineeship is required to become a lawyer. Only highly experienced lawyers with at least ten years of practice may appear before the Court of Cassation, and they are appointed by the King upon the recommendation of the Minister of Justice.

In France, only lawyers may represent parties in civil and administrative proceedings. To join the French Bar Association and participate in court proceedings, lawyers must have higher legal education, complete a one-year course at one of the professional training centers, and obtain a qualification certificate. Lawyers may engage in individual practice or form law firms. Only lawyers who are members of the special bar established under the Court of Cassation and the Council of State, limited to sixty members, may represent clients before those institutions.

In Japan, strict criteria are set for entry into the professions of lawyer, prosecutor, or judge. Graduates of Japanese university law faculties who wish to work in these fields must pass an examination administered annually by the Specialized Commission of the Ministry of Justice. Due to the high standards of the commission, only about 25% of applicants successfully pass. Those who do are admitted to a two-year training program under the Legal Training and Research Institute of the Supreme Court, which includes both theoretical and practical components — eight months in the courts, four months in the prosecution service, and four months in private legal practice. Upon completion and successful examination, graduates may begin work in their chosen legal profession.

In Uzbekistan, foreign court or arbitral decisions may be recognized and enforced if such recognition and enforcement are provided for by an international treaty or national law. Only judicial acts that have entered into legal force may be recognized and enforced. At the request of a foreign court, procedural actions such as examination of evidence or hearing of parties may be carried out within the enforcement process.

Cases concerning the recognition and enforcement of foreign court or arbitral awards and the execution of foreign court requests are considered by economic courts of Uzbekistan in accordance with the Economic Procedural Code (EPC), unless otherwise provided by an international treaty of the Republic.

A request for recognition and enforcement must be submitted in written form and signed by the claimant or his authorized representative. It must include:

1. The name of the economic court to which it is submitted;
2. The name and address of the foreign court or arbitral body;
3. The claimant's name and address;
4. The debtor's name and address;
5. Information about the foreign court or arbitral decision to be recognized and enforced;
6. The claimant's specific request;
7. A list of attached documents.

The request may also indicate the claimant's or representative's contact details, such as telephone, fax, or email. The request and its annexes must be drafted in the

language prescribed by the relevant international treaty. Such requests are processed in accordance with Chapter 16 of the EPC.



The economic court has no authority to re-examine, modify, or annul a foreign court or arbitral decision on the merits. If the decision has been partially enforced, the court issues a writ of execution for the unenforced portion.

Such requests cannot be left without consideration except on the grounds specified in Article 88(6) of the EPC. Following the review, a judicial ruling is issued under the rules set out in Chapter 18 of the EPC, and a writ of execution is issued immediately.

From the above, it can be concluded that in civil proceedings, a representative can fully perform his or her duties only when equipped with sufficient legal knowledge and professional competence. Unlike material law, procedural representation requires the provision of qualified legal assistance to the principal. Therefore, the inclusion in national procedural legislation of a norm allowing only qualified lawyers to act as legal representatives in court proceedings is of great importance. It ensures the effective judicial protection of citizens' constitutional rights and freedoms guaranteed by the Constitution of the Republic of Uzbekistan.

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