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## News Bulletin

# № 12/2013

### News of the month:

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**News of the month:****1. PUBLIC AUTHORITIES**

- 1.1. Information of the Bank of Russia “On reorganization of the Bank of Russia Service for Financial Markets”, according to which the Bank of Russia Service for Financial Markets will be abolished starting from 03.03.2014, and in the central office of the Bank of Russia will be created nine new structural units responsible for the development and functioning of financial markets.

**2. CIVIL LAW**

- 2.1. Federal Law dd. 02.12.2013 # 327-FZ “On the amendments to Articles 9 and 10 of the Federal Law “On the circulation of lands of agricultural destination” and Article 22 of the Federal Law “On the particulars of regulation of individual legal relations pursuant to the inclusion of territories in the subject of the Russian Federation – the city of federal significance of Moscow and on the amendments to individual legislative acts of the Russian Federation” according to which the minimum term lease of agricultural land plots cannot be less than three years (with the exception for certain cases).
- 2.2. Federal Law dd. 28.12.2013 # 419-FZ “On the amendments to the Federal Law “On insolvency (bankruptcy)” that established the features of bankruptcy of agricultural organizations.

**3. TAX LAW**

- 3.1. Letter of the Federal Tax Service of Russia dd. 26.11.2013 # ГД-4-3/21097 "On the direction of the Russian Finance Ministry letter", which indicated that in cases of difference of opinions of controlling and judicial authorities in the application of the legislation on taxes and fees judicial acts shall be applied.

**4. CRIMINAL LAW**

- 4.1. Review of judicial practices of applying the Federal law dd. 29.11.2012 # 207-FZ and the Resolution of the State Duma of the Federal Assembly of the Russian Federation dd. 02.07.2013 # 2559-6 GD “On amnesty” (approved by the Presidium of the Supreme Court 12.04.2013), which consists legal practice in respect of criminal proceedings against the various types of fraud, as well as issues of judicial practice in the application of resolution on amnesty.

**5. ADMINISTRATIVE LAW**

- 5.1. Federal Law dd. 02.12.2013 # 343-FZ “On the amendment to Article 19.8 of the Code



of administrative violations of the Russian Federation” which reduces the minimum size of the administrative penalty imposed in respect of legal entities for failure or late submission of data (information), stipulated by the antimonopoly legislation of the Russian Federation.

- 5.2. Federal Law dd.02.12.2013 # 342-FZ “On the amendments to the Code of Administrative Violations of the Russian Federation”, which increased the size of penalties for violation of the provision of land or forest plots or water objects.

## 6. JUDICIAL PRACTICE AND PROCEDURAL LAW

- 6.1. Resolution of the Plenum of the High Arbitrazh Court of the Russian Federation dd.08.11.2013 # 79 “On certain issues of application of the customs legislation”, which clarified some issues that arise in the process of dealing with cases related to the application of customs legislation.
- 6.2. Review of judicial practices of resolving disputes in the cases of participation of citizens in the shared construction of apartment houses and other objects of real estate (approved by the Presidium of the Supreme Court of the Russian Federation 04.12.2013), which clarified some issues of resolution of disputes arising in connection with the participation of citizens in the shared construction of apartment houses that were not put into operation.
- 6.3. Resolution of the Plenum of the Supreme Court of the Russian Federation dd. 03.12.2013 # 33 “On the amendments to Resolution of the Plenum of the Supreme Court of the Russian Federation dd.11.01.2007 # 2 “On the criminal punishments imposed by courts of the Russian Federation” and dd. 09.07.2013 # 24 “On the judicial practices in the cases of bribery and corruption”, which present clarifications of the Supreme Court in respect of the issues arising in the execution of punishment in the form of fines, including imposed for corruption crimes.
- 6.4. Survey of rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on topical issues of private law (on the basis of publications on the website of the High Arbitrazh Court of the Russian Federation in October 2013). The High Arbitrazh Court of the Russian Federation has prepared another compilation of the main findings contained in the rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on specific cases and related to the issues of private law, in particular on the following issues: state registration of rights of real estate; assignment; pledge legal protection of trademarks; insolvency (bankruptcy).
- 6.5. Survey of rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on topical issues of private law (on the basis of publications on the website of the High Arbitrazh Court of the Russian Federation in November 2013). The High Arbitrazh Court of the Russian Federation has prepared another compilation of the main findings contained in the rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on specific cases and related to the issues of private law, in particular on the following issues: limitation period for claims in respect of recognition of major shareholder transaction invalid; acknowledgment of debt; termination of guarantee; payment for work performed under the contract; unjust enrichment; redress as a result of non-performance or improper

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performance of contractual obligations; management of apartment buildings; activities of bankruptcy manager; the distribution of judicial costs in bankruptcy between the persons participating in the case.

- 6.6. Resolution of the Plenum of the High Arbitrazh Court dd. 06.12.2013 # 88 “On the calculation and transfer of interest for creditor claims in the cases of bankruptcy”, which explained that filing bankruptcy petition against debtor does not require three-month delay in the payment of interest.