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News Bulletin

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News of the month:

1. STATE BODIES

- 1.1 Resolution of the Government of the Russian Federation dd. 05.09.2011 No. 732 “On amendments to Rules on sample of visa, procedure and conditions of its execution and issuance, prolongation of its term, its restoration in case of its loss as well as procedure of its annulment”. According to this Rules foreign citizen entering into Russia by invitation for the purposes of labour activity as a highly qualified specialist will receive multi-entry work visa.
- Multi-entry work visa is to be issued to:
- a foreign citizen who is a highly qualified specialist and enters into Russia by invitation for the purposes of labour activity – by diplomatic representative office or consular department of Russia;
 - a foreign citizen who is a highly qualified specialist and exercises its labour activity in this quality on the territory of Russia – by territorial body of migration service at the place of migration records of foreign citizen.
- This visa is to be issued for the term of labour contract or civil contract on execution of works / services but no more than 3 years with its further prolongation on the term of labour contract but every time no more than 3 years.
- Members of family of such foreign citizen (foreign citizens and stateless persons) also receive multi-entry working visas on the term the visa issued for such foreign citizen.
- 1.2 Resolution of the Government of the Russian Federation dd. 14.09.2011 No. 772 “On fixing of living wage per capita for main social-demographic groups of population of the Russian Federation for II quarter of 2011”, which fixed the following living wages per capita in the Russian Federation for II quarter of 2011: for laboring population – 7 023 rub., for pensioners – 5 141 rub., for children – 6 294 rub., average – 6 505 rub.
- 1.3. Resolution of the Government of the Russian Federation dd. 30.09.2011 No. 802 “On approval of Rules of capital construction objects conservation” which defines order and procedure of capital construction objects conservation.
- 1.4. Order of the Ministry of Internal affairs of the Russian Federation dd. 15.08.2011 No. 938 “On certain questions of organisation of operational investigation activity in the system of the Ministry of Internal affairs” (registered by the Ministry of Justice on 07.09.2011) which defines the list of operational departments of the Ministry of Internal affairs that have the right to undertake operational investigation activity. The following departments have such powers in full: criminal investigation department, department of economic security and counteraction of corruption, internal security, counteraction



of extremism, counteraction of criminal encroachments on cargo, providing of security of persons under state protection.

2. TAX LAW

- 2.1. Letter of the Federal Tax Service dd. 16.09.2011 No. ЕД-4-3/15122@ “On order of organisations income tax declaration filling” approved by the order of the Federal Tax Service dd. 15.12.2010 No. ММВ-7-3/730@.
- 2.2. Order of the Federal Tax Service dd. 11.08.2011 No. ЯК-7-6/488@ “On approving of forms and formats of documents using for registration and removal from the register of Russian organisations and physical persons including individual entrepreneurs in tax authorities as well as order of their filling and sending by tax authorities to organisation and physical person including individual entrepreneur, certificate on registration issued by tax authorities and/or notice on registration issued by tax authorities (notice on removal from the register) in e-form via telecommunication services” (registered by Ministry of Justice on 14.09.2011) which renews forms for registration in tax authorities as well as approves the procedure of sending by tax authorities certificate on registration, notices on registration and removal from the register in e-form via telecommunication services.

3. CIVIL LAW

- 3.1. Information of the Central Bank of the Russian Federation dd. 14.09.2011: refinance rate shall remain on the same level – 8,25%.

4. COURT ACTS

- 4.1. Ruling of the High Arbitration Court Presidium dd. 06.09.2011 No. 5263/11, which states that Federal Registration service has no right to ask additional documents from the owner of company’s assets who is not a party of the contract during registration of ownership rights transition.
- 4.2. Ruling of the High Arbitration Court Presidium dd. 25.07.2011 No. 5620/11, which states that issuance of promissory note by organisation several days prior declaration of its insolvency and in case of non-repayment of this promissory note due to the lack of money on company’s accounts is to be regarded as mock transaction in terms of Art. 170(1) of the Civil code of the Russian Federation. Promissory note issuer cannot be recognized as a creditor in bankruptcy on this ground.
- 4.3. Ruling of the High Arbitration Court Presidium dd. 27.07.2011 No. 1457/11, which states that in case of registered individual ownership rights on common property in a

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building owners of premises in this building are entitled to claim recognition of their rights on ownership in common on common property.

- 4.4. Ruling of the High Arbitration Court Presidium dd. 13.09.2011 No. 9899/09, which states that arbitration courts have no legal grounds to review factual circumstances, established by arbitration tribunal and evaluate them applying rules of the Russian laws, if parties chose foreign law as an applicable one.
- 4.5. Ruling of the High Arbitration Court dd. 12.08.2011 No. BAC-9742/11, which states that networked organisation has no rights to refuse entering into agreement on network accession even if its technological capacities are limited because such organisation is obliged to expand its network (to build new facilities, etc.). Networked organisation has to undertake these measures at its own expense but their costs can be included in tariffs.
- 4.6. Ruling of the Supreme Court of Russia dd. 13.09.2011 No. 77-B11-10, which states that increasing of interests by credit agreement must be agreed with guarantors for the purpose of suretyship agreement prolongation. The Supreme Court states that in terms of Art. 367 of the Civil code (determines grounds for cancelation of suretyship) guarantor's consent to be responsible for execution towards other person's creditors of altered obligation that increased the liability must be expressed directly, unambiguously and in the way that exclude doubts in guarantor's intents to be liable for debtor in connection with altered obligation. Altered obligation which increases liability or creates other unfavorable consequences for guarantor without consent of the latter includes cases when interests were raised by credit agreement and guarantor did not give its consent.