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News Bulletin

№ 08/2011

News of the month:

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News of the month:

1. STATE BODIES

- 1.1 Resolution of the Government of the Russian Federation dd. 19.08.2011 No. 694 “On approval of methodology of law enforcement monitoring examination in the Russian Federation” which obliges federal executive bodies and executive bodies of subjects of the federation to undertake law enforcement monitoring including execution of Constitutional court decisions and those of European court of human right.
- 1.2 Resolution of the Government of the Russian Federation dd. 04.08.2011 No. 654 “On amendments to Rules of foreign citizens and apatrides migration records in the Russian Federation” which prolongates the term of migration recording for expats from 3 to 7 days and annuls obligation of host party to submit migration service tear-off part of arrival notice after departure of an expat.
- 1.3. Resolution of the Government of the Russian Federation dd. 29.07.2011 No. 633 “On expertise of normative legal acts of federal executive bodies for the purposes of detection of provisions that groundlessly complicate entrepreneur and investment activity and on amendments to certain acts of the Government of the Russian Federation” which imposes the Ministry of economical development of Russia to carry out this expertise and, if necessary, submit proposals the Ministry of justice concerning cancellation or alteration of such acts (or their certain provisions).
- 1.4. Letter of the Federal Service on customers’ rights protection and human well-being surveillance dd. 23.08.2011 No. 01/10790-1-32 “On court practice of application of legislation on customers’ rights protection in case of changing of party in contractual obligation (with participation of local departments of the Federal Service)” which pays attention to arbitration courts practice of refusal in claims in case of creditor rights cession from banks to collectors agencies and gives recommendations to its local departments on borrowers’ rights protection.
- 1.5. Letter of the Federal Service on customers’ rights protection and human well-being surveillance dd. 20.07.2011 “What is the cost to disclose “a secret”?” which explains how subscribers should act, if their SMS-messages appear in open access.
- 1.6. Letter of the Social Insurance Fund of the Russian Federation dd. 05.08.2011 No. 14-03-11/05-8545, which explains how to fulfill a new form of medical certificate.
- 1.7. Informational letter of Rosfinmonitoring dd. 02.08.2011 No. 17 “On characteristics of operations, types, and conditions of activity with a high risk of money laundering by clients for the purposes of legalization of profits received from criminal activity and

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financing of terrorism”, which includes particularly such conditions as absence of company permanently acting bodies at the address of its registration, execution of transaction with company’s money or other assets exclusively via representative acting on the basis of power of attorney.

2. CIVIL LAW

- 2.1. Information of the Central Bank of the Russian Federation dd. 04.08.2011: refinance rate shall remain on the same level – 8,25%.

3. COURT ACTS

- 3.1. Resolution of the High Arbitration Court Plenum dd. 30.06.2011 No. 51 “On examination of cases concerning individual entrepreneur bankruptcy” which summarizes court practice of this category of cases.
- 3.2. Survey of court practice of the Supreme Court of the Russian Federation for the first quarter of 2011 (approved by the Supreme Court Presidium dd. 01.06.2011) which examines court practice of compensation adjudication for court procrastination and touches upon the issues of certain contractual obligations execution, issues of correlation of freedom of contract and obligations based on preliminary agreement, makes certain examples of European court on human rights practice.
- 3.3. Ruling of the High Arbitration Court Presidium dd. 26.07.2011 No. 2608/11, which states that commercial state courts have no rights to verify the validity and legality of arbitration court decisions as well as verify and investigate proofs on basis of which arbitration court adopted its decision.
- 3.4. Ruling of the High Arbitration Court Presidium dd. 27.07.2011 No. 1995/11, which states that an universal succession has place during reorganisation of legal entity, newly created legal entity receives all rights and obligations in full even if these rights are not mentioned in a deed of assignment approved during such reorganisation.
- 3.5. Ruling of the High Arbitration Court dd. 10.08.2011 No. BAC-9815/11, re: No. A28-6067/2010-156/7 which states that if company’s participants express their free will to receive actual price of their shares by acquisition of certain assets and money during their withdrawal from organisation, the courts have no grounds to recognize company’s obligation to pay off the plaintiffs actual price of share as unfulfilled.
- 3.6. Ruling of the High Arbitration Court dd. 10.08.2011 No. BAC-9683/11, re: No. A40-88176/10-136-236 which states that if plaintiff’s vote during shareholder general meeting could not influence on results of company’s new general director election and

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if plaintiff did not prove that this decision breaches his or her shareholder rights and caused losses for company, the court rejects plaintiff's claim to recognize decisions of general shareholder meeting as null and void.

- 3.7. Ruling of the High Arbitration Court dd. 10.08.2011 No. BAC-9330/11, re: No. A32-26392/2010-55/681 which states that the fact of corporate conflict in company is not a sufficient ground to exclude participant from company, it is also necessary to prove that participant's acts (omission) make impossible company's activity or substantially complicate it.
- 3.8. Ruling of the High Arbitration Court dd. 08.08.2011 No. BAC-9496/11, re: No. A43-33578/2008-36-305 which states that competitive creditor must prove that the procedure of realisation and conditions of auction offered by bankruptcy manager will adversely affect the possibility to receive maximum price from sale of pledged assets.