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News Bulletin

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News of the month:

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This information bulletin is a review of certain legislative developments. Information contained herein is not comprehensive and should not be treated as a legal advice. The readers should seek the advice of advocates and lawyers of Advocates Bureau in case any questions arise.



1. BANKING AND FINANCE

Direction of the Central Bank of Russia № 2247-U of 04.06.2009 on the Amount of the rate of refinancing of the Bank of Russia. This document decreases the rate of refinancing of the Bank of Russia - from 12% to 11,5%.

2. TAX LAW

Letter of the Department of the Tax and Customs Tariff Policy of the Ministry of Finance of the Russian Federation № 03-02-08/31 of 15.04.2009 on the Submission of Tax Declarations (Estimates) by the Taxpayer in the Electronic Form. According to the Tax Code of the Russian Federation, some categories of taxpayers must submit tax declarations (estimates) in the electronic form. It is referred to the taxpayers, which average number of workers exceeds 100 persons; the recreated companies (including the reorganized) which average number of workers exceeds the above mentioned limit; the major taxpayers.

3. CIVIL LAW

Decision of the Government of the Russian Federation № 386 of 30.04.2009 on the Cases of Allowability of the Agreements between Credit and Insurance Companies. According to this document agreements resulting into the restriction of competition are prohibited. But under certain conditions such agreements could be found legal.

4. PROCEDURAL LAW

- 4.1. Information Letter of the Presidium of the Higher Arbitration Court of the Russian Federation №. 128 of 14.04.2009 on the Review of the practice of adjudication by arbitration courts, relating to the avoidance of the transaction on the grounds mentioned in of the Federal Law on Insolvency (Bankruptcy). This document explains the issues of nullity of debtor transactions concluded with a party involved, as well as transactions having resulted in a priority satisfaction of claims of one or several creditors.
- 4.2. Information Letter of the Presidium of the Higher Arbitration Court of the Russian Federation № 129 of 14.04.2009 on Some Issues of the Practice of Application by Arbitration Courts of Provisions of Paragraph 2 of Item 1 of Article 66 of the Federal

Law on Insolvency (Bankruptcy). This document explains which of the debtor transactions are arguable and which are null.

- 4.3. Decision of the Plenum of the Higher Arbitration Court of the Russian Federation № 32 of 30.04.2009 on Some Issues of Challenging of Transactions on the Grounds Envisaged in the Federal Law on Insolvency (Bankruptcy). The explanations describe a wide range of issues of challenging of bankrupt transactions.
- 4.4. Decision of the Plenum of the Higher Arbitration Court of the Russian Federation № 34 of 30.04.2009 on the Application of Part 3.1 of Article 38 and Item 4 of Part 2 of Article 39 of the Code of Arbitration Procedures of the Russian Federation by Arbitration Courts. According to the explanations, if the arbitration court having accepted the application for processing is invited later as a third party, such case must be handed over to another arbitration court.

5. LABOUR LAW

Federal Law № 80-FZ of 07.05.2009 on the Amendments to Article 230 of the Labour Code of the Russian Federation. According to this document the employer should provide the Social Insurance Fund with a copy of the industrial accident report and a copy of files of the investigation within 3 days after termination of the investigation. Before this term was not specified.

6. JUDICIAL PROCEEDING

Federal Constitutional Law № 1-FKZ on the Amendments to the Federal Constitutional law on the Arbitration Courts in the Russian Federation, which adjusts that in case of absence of the president judge his powers are exercised by the vice president judge. Therefore, the president judge of the arbitrages courts can decide on his own who will exercise his powers during his absence.

7. INTERNATIONAL LAW

Federal Law № 96-FZ of 23.05.2009 on the Ratification of the Agreement between the Government of the Russian Federation and the Government of the State of Qatar on the Promotion and Mutual Protection of Capital Investments Ratifies



the intergovernmental Agreement of Russia and Qatar signed on 12.02.2007 in the city of Doha.

8. JURISPRUDENCE

ROSSIJSKAYA GAZETA № 4923 of 03.06.2009

“Under the mercuric vapor: Building of the board of the administrative cases of the Arbitration court of Krasnodarsky region has been found impregnated by toxins”.

<http://www.rg.ru/2009/06/03/rtut.html>

KOMMERSANT № 96 (4151) of 30.05.2009

“Judges breathe in mercuric vapor. Attorneys require closing of the building of Arbitration court of Krasnodarsky region”

<http://www.kommersant.ru/doc-y.aspx?DocsID=1179855>