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## News Bulletin

# № 10/2011

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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 our firm in case any questions arise.

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## News of the month:

### 1. STATE BODIES

- 1.1 Federal Law of the Russian Federation dd. 21.10.2011 No. 289-FZ “On alteration of Federal Law “On procedure of publication and enforcement of federal constitutional laws, federal laws, acts of Parliament chambers of the Federal Assembly”, which determines official Internet-portal of legal information ([www.pravo.gov.ru](http://www.pravo.gov.ru)) as additional source of publication for federal constitutional laws, federal laws, acts of Parliament chambers of the Federal Assembly.
- 1.2 Resolution of the Government of the Russian Federation dd. 06.10.2011 No. 826 “On approval of license model form”, which approved this form in pursuance of Federal Law on licensing of certain areas of activity dd. 04.05.2011.
- 1.3. Resolution of the Government of the Russian Federation dd. 26.10.2011 No. 869 “On alteration of Rules of registration and removal from the register of Russian citizens in place of their allocation and residence within the territory of the Russian Federation” which simplifies registration procedure repealed the necessity to submit document confirming moving into premises (social tenancy agreement, tenancy of state or municipal premises, certificate on state registration of premises etc.).

### 2. TAX LAW

- 2.1. Letter of the Federal Tax Service dd. 05.10.2011 No. ЕД-4-3/16368@ “On certain questions of e-documents applications”, which explains taxpayers how to apply basic documents in e-form in bookkeeping and tax accounting. If basic documents on paper and in e-form with e-signature are drafted in accordance with the Russian law, they are equal (with the same legal force).
- 2.2. Order of the Federal Tax Service dd. 12.08.2011 No. ЯК-7-6/489@ “On approving of Regulations of submitting e-documents via telecommunication systems of public use including Internet and unique web portal for state and municipal services to register body for the purposes of state registration of legal entities, farm enterprises and private persons as individual entrepreneurs” (registered by Ministry of Justice on 06.10.2011), which defines procedure of registration for legal entities, farm enterprises and individual entrepreneurs via Internet.

### 3. CIVIL LAW

- 3.1. Information of the Central Bank of the Russian Federation dd. 28.10.2011: refinance rate shall remain on the same level – 8,25%.

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- 3.2. Federal Law of the Russian Federation dd. 19.10.2011 No. 284-FZ “On alteration of Art. 809 and 810 of the second Part of Civil code of the Russian Federation”, which changes rules of preterm redemption of loans, namely, the amount of loan with interest granted to borrower-citizen for non-commercial purposes can be repaid prematurely in full or partially within 30 days upon lender’s notification.
- 3.3. Informative letter of Federal Service on Financial Markets dd. 17.10.2011 “On certain questions related to consideration of application of joint-stock companies concerning discharge from obligation to disclose or submit information in accordance with Art. 30 of Federal Law “On market shares”.

#### **4. CRIMINAL LAW**

- 4.1. Resolution of the Government of the Russian Federation dd. 11.10.2011 No. 828 “On approval of Regulations concerning obligatory state genomic registration of convicted persons or those who serve a sentence”, which defines that persons who serve a sentence for committing grave of high crimes as well as crimes against sexual inviolability and sexual freedom of person are subject to obligatory genomic registration.

#### **5. COURT ACTS**

- 5.1. Informative letter of the High Arbitration Court Presidium dd. 13.09.2011 No. 146, which summarizes court practice on the question of bringing to responsibility for including of conditions infringing customer’s rights into loan agreement. The court recognized as unlawful the right of banks to charge commission for premature repayment of credit, issue of bank statements, fine borrowers for refusal to accept credit. Banks are not entitled to charge compound interest. Such cases with customer on one side are to be heard in district court at the place of customer residence.
- 5.2. Informative letter of the High Arbitration Court Presidium dd. 13.09.2011 No. 147, which summarizes court practice concerning loan agreements particularly states that if during entering into loan agreement, its draft was worked out solely by bank and has provisions which substantially violate balance of parties interests and borrower was actually not able to change its provisions, the court is entitled to apply rules concerning contract of adhesion; interest for use of loan are to be accrued for the period from receiving of loan till its repayment; if loan was not distributed in term according to agreement, the court under certain circumstances has the right to recover damages under borrower’s claim.



- 5.3. Decision of the Constitutional Court of the Russian Federation dd. 17.10.2011 No. 22-П Re: On examination the constitutionality of Art. 133 (1 and 2) of Criminal Procedural code of the Russian Federation in connection with claims of Messrs. V.A. Tikhomirova, I.I. Tikhomirova and I.N. Sardyko, which rules that the state must compensate the damage caused by unlawful court decisions in criminal cases of private prosecution.
- 5.4. Decision of the Constitutional Court of the Russian Federation dd. 18.10.2011 No. 23-П Re: On examination the constitutionality of Art. 144, 145 and 448 of Criminal Procedural code of the Russian Federation and Art. 16(8) of the Law of the Russian Federation “On status of judges in the Russian Federation” in connection with Mr. S.L. Panchenko claim, which states that while court act is not reversed, there is no reason for criminal prosecution on the ground of misjudgement.
- 5.5. Survey of court practice of the Supreme Court of the Russian Federation for the second quarter of 2011 (approved by the Supreme Court Presidium dd. 28.09.2011) which examines court practice of the Supreme Court concerning social, labour, pension and hereditary disputes, procedural issues of jurisdiction for cases related to recovery of court fees and makes examples of European Court decisions related to unlawful imprisonment of claimants and failure to provide effective legal support during criminal cases hearings.