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## News Bulletin

# № 12/2011

### News of the month:

1. State bodies.....	01
2. Court system .....	01
3. Civil Law .....	02
4. Criminal Law .....	02
5. Court acts .....	03

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## News of the month:

### 1. STATE BODIES

- 1.1 Federal Law of the Russian Federation dd. 03.12.2011 No. 383-FZ “On alteration of certain legislative acts of the Russian Federation”, which defines inter alia procedure of submitting of complaints on acts and omission of public officers during rendering state (municipal) services.
- 1.2 Federal Law of the Russian Federation dd. 03.12.2011 No. 389-FZ “On alteration of certain legislative acts of the Russian Federation”, which defines activities of officers of law on search of debtors, their assets and children; states that officers of law are entitled to use information received from private detectives.
- 1.3 Federal Law of the Russian Federation dd. 03.12.2011 No. 391-FZ “On alteration of Federal Law “On banks and banking activity”, which increased minimal charter capital of credit organisations from 180 mln roubles to 300 mln roubles. All banks have to increase their charter capital to such limit till 1 January 2015.
- 1.4 Resolution of the Government of the Russian Federation dd. 05.12.2011 No. 1008 “On technical check-up of motor vehicles” which adopts new rules of technical check-up of motor vehicles and states, inter alia, that this check-up can be done in any place without regard to the place of motor vehicle registration; it also regulates time for every stage of the procedure.
- 1.5 Order of the Federal Tax Service dd. 07.11.2011 No. MMB-7-6/735@ “On approval of Procedure of e-documents submitting to tax authorities for the purposes of tax accountability of citizens and companies”.

### 2. COURT SYSTEM

- 2.1. Federal Constitutional Law of the Russian Federation dd. 06.12.2011 No. 4-FKZ “On alteration of Federal Constitutional Law “On court system of the Russian Federation” and Federal Constitutional Law “On arbitration courts of the Russian Federation” in connection with foundation of the Court of intellectual rights in the system of arbitration courts” which provides the foundation of specialized arbitration Court of intellectual rights till 01 February 2013.
- 2.2. Federal Law of the Russian Federation dd. 08.12.2011 No. 422-FZ “On alteration of certain legislative acts of the Russian Federation in connection with foundation of the Court of intellectual rights in the system of arbitration courts” which defines jurisdiction

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of this Court, requirements to its judges; it also introduces new participants in arbitral proceedings – a specialist, it is involved to receive consultation and clarify professional opinion on the substance of the problem.

### 3. CIVIL LAW

- 3.1. Federal Law of the Russian Federation dd. 03.12.2011 No. 380-FZ “On business partnership”, which introduces new type of commercial legal entities – business partnership, more suitable for innovative and venture activities. It prescribes its status, procedure of foundation, reorganisation and liquidation of such legal entity as well as rights and obligations of its partners.
- 3.2. Federal Law of the Russian Federation dd. 06.12.2011 No. 402-FZ “On business accounting”, which replaces previous analogous law eliminating deficiencies in law and old regulations.
- 3.3. Federal Law of the Russian Federation dd. 06.12.2011 No. 405-FZ “On alteration of certain legislative acts of the Russian Federation in connection with improvement of procedure of recovery against pledged property” which alters laws on pledge, mortgage, limited liability companies, execution of judicial acts, notary, state registration of rights on immovable property, tax code and civil code.
- 3.4. Order of the Financial Ministry dd. 25.12.2011 No. 160H “On introduction of International Financial Reporting Standards and their Interpretation on the territory of the Russian Federation” (registered by the Ministry of Justice 05 December 2011) which introduces 37 International Financial Reporting Standards and 26 Interpretation of the Standards, including such standards as flow of funds, account policy, income tax, main assets, tenancy, employees remuneration, earnings, consolidated and separate financial accountability.
- 3.5. Letter of the Central Bank of the Russian Federation dd. 23.12.2011 “On refinancing rate of the Central Bank” which decreases refinancing rate from 8,25 per cent per annum to 8 per cent per annum since 26 December 2011.

### 4. CRIMINAL LAW

- 4.1. Federal Law of the Russian Federation dd. 06.12.2011 No. 408-FZ “On alteration of Art. 82 of Criminal Procedural code of the Russian Federation”, which states that such material evidences as money and valuables can be returned to their owners during crime investigation.

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- 4.2. Federal Law of the Russian Federation dd. 07.12.2011 No. 419-FZ “On alteration of Criminal code of the Russian Federation and Art. 151 of Criminal Procedural code of the Russian Federation” which introduces criminal responsibility for founding or reorganisation of a legal entity via fictitious persons.
- 4.3. Federal Law of the Russian Federation dd. 07.12.2011 No. 420-FZ “On alteration of Criminal code of the Russian Federation and certain legislative acts of the Russian Federation” which substantially humanizes criminal legislation, in particular, introduces a new kind of punishment – forced labours; alters articles concerning unlawful entrepreneurship, smuggling, crimes in the area of computer information, customs charge evasion and others; decriminalizes such crimes as defamation and libel.

## 5. COURT ACTS

- 5.1. Decision of the Constitutional Court of the Russian Federation dd. 21.12.2011 No. 30-П Re: On examination the constitutionality of Art. 90 of Criminal Procedural code of the Russian Federation in connection with claims of Messrs. V.D. Vlasenko and E.A. Vlasenko” which states that application of a prejudice cannot impede the investigation of a criminal case on the base of presumption of innocence principle for persons accused of crime; however, if there are circumstances (which were not ground for settlement of a case in essence) that have features of corpus delicti against justice they must be checked during all stages of criminal prosecution; it also states that the question of evidences falsification as a crime may be examined only during criminal court proceedings.
- 5.2. Resolution of the High Arbitration Court Plenum dd. 10.11.2011 No. 71 “On alteration of certain resolutions of the High Arbitration Court Plenum concerning examination of administrative cases by arbitration courts and cancellation of the resolution of the High Arbitration Court Plenum dd. 20/06/2007 No. 14 “On application by arbitration courts of Art. 14 of Federal Law “On execution of court decisions” concerning regulation of terms for submitting of decisions of public bodies (officers) who are entitle to examine cases on administrative offences” which updates interpretations concerning the rules of administrative cases examination by arbitration courts due to alteration of legislation.
- 5.3. Resolution of the High Arbitration Court Plenum dd. 17.11.2011 No. 73 “On certain questions of application of rules from Civil code of the Russian Federation on lease” which clarifies certain rules concerning entering into lease agreement and rent payment.



- 5.4. Resolution of the High Arbitration Court Plenum dd. 22.12.2011 No. 81 “On certain questions of application of Art. 333 of Civil code of the Russian Federation” which clarifies application of provisions of Civil code on reduction of penalty by courts. Defendant’s statement on its reduction is a compulsory condition. If this penalty was reduced without defendant’s statement, it might be recovered in appeal. The law enumerates approximate list of circumstances that must be taken into account or ignored by courts in settlement of question of penalty reduction.
- 5.5. Survey of court practice of the Supreme Court of the Russian Federation for III quarter of 2011 (approved by the Supreme Court Presidium on 07.12.2011) which includes materials of cases with conclusions that were made upon examination of civil, administrative and criminal cases.