



Piksin & Partners

Legal Services

Tel.: +7(495) 913-68-28

e-mail: info@piksin-partners.ru

Fax: +7(495) 913-68-48

web: www.piksin-partners.ru

Derbenevskaya quay, 11, building «B», office B1401, Moscow, Russia,
115114

News Bulletin

№ 06/2014

News of the month:

1.	Civil Law.....	01
2.	Labor Law	01
3.	Tax Law	01
4.	Judicial Practice and Procedural Law.....	01
5.	International Law	03

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.

**News of the month:****1. CIVIL LAW**

- 1.1. Federal law dd. 04.06.2014 # 142-FZ “On amendments to article 6 and 30 of the Federal law “On citizenship of the Russian Federation” and certain legislative acts of the Russian Federation”, according to which Russian citizens, who have residence in another country or citizenship of another country, have to notify in writing the Federal Migration Service of Russia. Failure to perform such duties punishable by a fine not exceeding two hundred thousand rubles or in the amount of convicted person salary or other income for a period up to one year or by compulsory works for a term of up to four hundred hours.
- 1.2. Federal law dd. 23.06.2014 # 157-FZ “On amendments to the Federal law “On citizenship of the Russian Federation”, which introduces simplified procedure for granting citizenship of Russia (without the requirement on the term of stay) for foreign businessmen and investors. Also, it is clarified the procedure for granting citizenship to foreign nationals who recognized as native Russian speakers. For receiving citizenship under the simplified procedure it is necessary to give an undertaking to comply with Russian legislation, confirm the presence of a legitimate source of subsistence and to renounce foreign citizenship.
- 1.3. Federal law dd. 23.06.2014 # 171-FZ “On amendments to the Land code of the Russian Federation and certain legislative acts of the Russian Federation”, which describes amendments related to issues of arising, termination and execution of rights to land plots.

2. LABOR LAW

- 2.1. Resolution of the Government of the Russian Federation dd. 04.06.2014 # 512 “On approval of Regulations on payment of remuneration for employee inventions, utility models, industrial designs”, which establishes the rules for payment of remuneration for employee inventions, utility models, industrial designs.

3. TAX LAW

- 3.1. Letter of the Ministry of Finance of the Russian Federation dd. 05.06.2014 # 03-08-RZ/27274 “On the taxation of dividend income”, which consists explanation of the procedure for taxation of income in the form of dividends paid to foreign companies and individuals, who are not residents of the Russian Federation.

4. JUDICIAL PRACTICE AND PROCEDURAL LAW

- 4.1. Federal law dd. 23.06.2014 # 161-FZ “On amendments to the Civil procedure code of the Russian Federation”, which sets out the new edition of the article 125 of the Civil procedure code of the Russian Federation and thus delineates reasons for returning motion for court order and reasons for refusal legal statements (applications, motions, claims, etc.).



If claimant fails to submit documents proving his claims, or does not pay state fee, court must return statement to the claimant. Meanwhile the return of the statement does not preclude the claimant to re-apply to the court again after the removal of the alleged violation. The court will refuse to accept statements in particular in cases of filing demands by the claimant not stipulated under the article 122 of the Civil procedure code of the Russian Federation, or making claims against debtor, which is outside of Russia, or in case when the court comes to conclusion that there is a dispute about right between the claimant and the debtor. Previously mentioned reasons were not delineated, and the court in all of these cases had to reject motions, that were preclusion for repeated turning to the court by the claimant.

- 4.2. Federal law dd. 04.06.2014 # 143-FZ “On amendments to certain legislative acts of the Russian Federation in connection with the change of jurisdiction of certain types of cases that are subject to consideration by courts of general jurisdiction and arbitrazh courts”, according to which court cases contesting the results of the cadastral value are excluded from the jurisdiction of arbitrazh courts. According to the Federal law such cases will be reviewed by the courts of general jurisdiction. Moreover, cases on challenging legal acts are also excluded from the jurisdiction of arbitrazh courts. The Federal law comes into force 180 days after the date of entry into force of the Law of the Russian Federation on the amendment to the Constitution of the Russian Federation “On the Supreme Court of the Russian Federation and the Public Prosecution Office of the Russian Federation”
- 4.3. Federal constitutional law dd. 04.06.2014 # 8-FKZ “On amending the Federal constitutional law “On arbitrazh courts in the Russian Federation” and the article 2 of the Federal constitutional law “On the Supreme Court of the Russian Federation”, which establishes that the explanations of the Plenum of the High Arbitrazh Court of the Russian Federation on judicial practice remain in force until the adoption of the relevant decisions of the Plenum of the Supreme Court.
- 4.4. Resolution of the Constitutional Court of the Russian Federation dd. 03.06.2014 # 17-P “On the case on the constitutionality of the provisions of paragraphs 6 and 7 of the article 168 and paragraph 5 of the article 173 of the Tax code of the Russian Federation in connection with the application of limited liability company “Torgoviy dom “Kamsnab”, in which the Constitutional Court of the Russian Federation stated its legal position on erroneous interpretation of the provisions of the Russian Tax code allowing recovery of VAT from person recognized as payer of single tax on imputed income.
- 4.5. Resolution of the Plenum of the Supreme Court of the Russian Federation dd. 29.05.2014 # 9 “On the practice of imposition and changing types of penitentiary facilities”, in which the Supreme Court of the Russian Federation explained features of imposition and changing types of penitentiary facilities.
- 4.6. “Review of court practice of the Supreme Court of the Russian Federation for the fourth quarter of 2013” (approved by the Presidium of the Supreme Court of the Russian Federation as of 06.04.2014), which provides compilation of the court practice in respect of different legal issues and in particular on the following issues: jurisdiction of cases on claims of tax authority on bringing chief executive officer of bankrupt company to subsidiary responsibility for the obligations of this company to make mandatory payments; application of the rules

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.



on consumer protection to the relations between owners of premises in apartment building and managing organization under compensated contract on management of apartment building; the possibility exclusively for citizens-members of gardening and dacha non-profit associations to acquire agricultural land plots for gardening and dacha farming.

- 4.7. Resolution of the Plenum of the High Arbitrazh Court of the Russian Federation dd. 30.05.2014 # 33 “On some issues raised in arbitrazh courts in cases related to the collecting of value added tax”, in which the Plenum of the High Arbitrazh Court of the Russian Federation explained the issues arising in proceedings related to collecting value added tax.
- 4.8. “Information on the issues of inequitable conduct, including competition regarding acquiring and using the means of individualization of legal entities, goods, services and enterprises” (approved by the Presidium of the Court of intellectual property rights of 21.03.2014 # SP-21/2), which contains clarification on certain issues dealing with disputes, unfair competition, in particular on the following issues: disputing and invalidation of state registration of trademark; qualification of actions of a person, who has registered designation as a trademark, as abuse of rights or unfair competition.
- 4.9. Resolution of the Presidium of the Court of intellectual property rights dd. 28.03.2014 # SP-21/4 “On approval of reference for issues that arise in disputes in respect of domain name”, which consists compilation of court practice in respect of domain disputes, i.e. disputes regarding use of domain names that are identical or confusingly similar with trademarks or other means of individualization of legal entities, goods, services and businesses.

5. INTERNATIONAL LAW

- 5.1. Treaty on the Eurasian Economic Union (signed in Astana of 29.05.2014), according to which Russia, Belarus and Kazakhstan established the Eurasian Economic Union (EEU) - an international organization of regional economic integration, which provides for free movement of goods, capital and labor, as well as coordinated policy in certain sectors of economy.