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## News Bulletin

# № 01/2012

### 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. 22.12.2011 No. 1092 “On submitting of information in e-form necessary for registration of legal entities and individual entrepreneurs as well as for maintenance of unified state registers of legal entities and individual entrepreneurs to registration bodies by other state bodies”.
- 1.2 Resolution of the Government of the Russian Federation dd. 26.01.2012 No. 24 “On state information system”, which introduced rules for establishment and functioning of the state information system in the area of mass media which consists of open and close parts; every person and company is entitled to gain access to the open part via authorised access to the Unified portal of state services. Information is free of charge.
- 1.3 Informative letter of FSFR of the Russian Federation dd. 28.12.2011 No. 11-ДП-10/37974 “On clarification of certain questions of application of Federal Law dd. 27.07.2010 No. 224-FZ “On counteraction of inside information unlawful using and market manipulation and alteration of certain legislative acts of the Russian Federation”, which informs inter alia that persons and companies that have access to inside information shall be included in the list of company’s insiders; to include persons in the list of company’s insiders it is necessary to conclude labor or civil law contract between such person and company with the provision granting access to inside information.
- 1.4 Order of the Ministry of regions of the Russian Federation dd. 21.12.2011 No. 591 “On introducing of information disclosure rules by companies operating in the area of multifamily houses management and its publication publishing in the Internet”, which defines information disclosure procedure on management companies concerning their basic figures of financial activity, rendered services, executed works for maintenance and repairing of common property in multifamily house, on procedure and conditions of their execution, price and tariffs for utility services.
- 1.5 Information of Rosturism dd. 30.01.2012 “On shortening of the Russian tourists visa-free sojourn in Turkey”, Rosturism informs that previous rules providing the possibility of single sojourn in Turkey for the period of 60 days are cancelled; the amount of visa-free entries for the period shorter than 30 days is not limited, however, total duration of sojourn in the country cannot exceed 90 days within 180-day period.
- 1.6 Letter of the Federal Customs Service of the Russian Federation dd. 16.01.2012 No. 04-58/01117 “On persons who are entitled to use special procedures”, which defines that since 05 April 2012 only persons included in the Register of authorised economic

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operators will be entitled to use special simplifications connected to the temporary storage of goods in the warehouses, release of goods prior to customs declaration filing and other simplifications provided by Art. 86(1) of Federal Law dd. 27.11.2012 No. 311-FZ “On customs regulations in the Russian Federation”

## 2. TAX LAW

- 2.1. Letter of the Federal Tax Service of the Russian Federation dd. 29.12.2011 No. ПА-4-6/22455@ “On organisation of services on information release from the register of disqualified persons”, which establishes order to release information from the register of disqualified persons.
- 2.2. Letter of the Federal Tax Service of the Russian Federation dd. 29.12.2011 No. AC-4-3/22569@ “On registration and alteration of an agreement on creation of taxpayers consolidated group”, which states that the documents submitted for the registration of an agreement on creation of the consolidated group must be examined within one month upon their submitting and within 10 days – for the registration of agreement alteration.
- 2.3. Letter of the Federal Antimonopoly Service of the Russian Federation “Explanation concerning the possibility of signing of guarantee agreement by e-signature instead of manual one”, which analyzed provisions of the civil legislation on guarantee and states that such agreement must be signed by manual signature.

## 3. CIVIL LAW

- 3.1. Resolution of the Government of the Russian Federation dd. 30.12.2011 No. 1245 “On alteration of the Rules of obligatory insurance of motor vehicles owner civil responsibility”, which states that starting from 1 January 2013 concluding of an OSAGO agreement without including all information about it in the automatic information system of obligatory insurance of motor vehicles owner civil responsibility and verification of this information by insurer is prohibited.

## 4. COURT ACTS

- 4.1. Survey of court practice of the Supreme Court of the Russian Federation on certain questions on application of legislation concerning consumers rights protection (approved by the Supreme Court Presidium on 01.02.2012) which states inter alia that for the relations from agreement concluded by investor (a private person) who

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participates share construction of multifamily house for the purposes of acquiring premises into ownership for private purposes that are not related to the entrepreneur activity, the legislation concerning consumers rights protection shall be applied; satisfaction of the claim of the consumer by the court on recovering of the price of non-executed works and penalty from constructor is the reason of imposition of fine on constructor for refusal to settle the lawful requirements of the consumer.

- 4.2. Ruling of the High Arbitration Court Presidium dd. 29.11.2011 No. 9256/11 (published 25.01.2012), where court states that rent fee received by invalid rent agreement shall not be regarded as unjust enrichment because tenant in fact used the object of the tenancy; unjust enrichment is only part of paid rent fee which exceeds the amount of sum owing to the owner of the object.
- 4.3. Ruling of the High Arbitration Court Presidium dd. 06.09.2011 No. 2929/11 (published 25.01.2012), where court states that adoption of the securing measures in form of prohibition to dispose shares for a long period of time by the application of a party filed baseless claim is a ground for recover the loss from such party because shares owners were substantially restricted in their rights.