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## News Bulletin

# № 11/2012

### News of the month:

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## News of the month:

### 1. PUBLIC AUTHORITIES

- 1.1. Decision of the Government of the Russian Federation dd. 20.11.2012 # 1198 “On the federal state information system permitting a pre-trial (out-of-court) appealing against decisions and actions (failure to act) occurring in the cases of provided state and municipal services”, which sets that it is planned to create and put into operation from 01.01.2014 a federal state information system permitting a pre-trial appealing against decisions and actions committed by officials in the cases of provided state and municipal services.
- 1.2. Informational message of the Federal service for financial monitoring “On the entry into force of amendments to the Federal law dd. 07.08.2001 # 115-FZ “On combating legalization (laundering) of proceeds of crime and terrorism financing”, which envisages that from 21.11.2012 some kinds of operations on receipts of funds or other property by non-profit organizations will be subject to obligatory control.
- 1.3. Federal Law dd. 12.11.2012 # 189-FZ “On the amendments to the Budget Code of the Russian Federation and recognition as became inoperative of individual provisions of legislative acts of the Russian Federation” which introduces a 5-year period of limitation for monetary obligations to the federal budget.
- 1.4. Decision of the Government of the Russian Federation dd. 22.11.2012 # 1211 “On keeping the register of unfair suppliers, stipulated by the Federal law “On procurement of goods, works, services by the individual types of legal entities” which sets the order of conducting the register of unfair suppliers of goods, works, services for the state companies and state corporations, the subjects of natural monopolies, state unitary enterprises, municipal unitary enterprises and legal entities of some other types.

### 2. TAX LAW

- 2.1. Letter of the Federal Tax Service dd. 31.10.2012 # YeD-4-3/18419@ “On the procedure for recalculation of the cost of a patent” which stipulates that because of introducing from 01.01.2013 the patent system of taxation, operation of the earlier issued patents are tied to time up to 31.12.2012.
- 2.2. Information of the Ministry of Finance of the Russian Federation # OP 1-2012 “On the application of International financial reporting standards», which contained an overview of the practice of application of International financial reporting standards on the territory of the Russian Federation.



### 3. CIVIL LAW

- 3.1. Federal Law dd. 12.11.2012 # 180-FZ “On the amendments to the Federal Law “On non-state pension funds” which amends the legislation regarding non-state pension funds for the purposes of regulating of relations arising in respect of their reorganization.
- 3.2. Regulations on procedure for calculation by credit organizations of the value of market risk (approved by the Bank of Russia of 28.09.2012 # 387-P), which set from 01.02.2013 new rules for calculation of the market risk.

### 4. CRIMINAL LAW

- 4.1. Federal Law dd. 29.11.2012 # 207-FZ “On the amendments to the Criminal Code of the Russian Federation and individual legislative acts of the Russian Federation” which sets criminal responsibility for fraud in the spheres of crediting, insurance business, computer information, in business activities, payment cards using and in obtaining of benefits.

### 5. JUDICIAL PRACTICE

- 5.1. Resolution of the Plenum of the High Arbitrazh Court of the Russian Federation dd. 08.10.2012 # 58 “On certain issues of the practice of application of the Federal law “On advertising” by arbitrazh courts” which defined legal position on application of some provisions of the Federal law “On advertising”.
- 5.2. Survey of rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on topical issues of private law (on the basis of publications on the website of the High Arbitrazh Court of the Russian Federation in October 2012). The High Arbitrazh Court of the Russian Federation has prepared another compilation of the main findings contained in the rulings of the Presidium of the High Arbitrazh Court of the Russian Federation on specific cases and relating to the issues of private law, in particular on the following issues: restoration of rights to shares subject to the interests of their actual owners, who were not parties of the void transaction; legal position of investor in bankruptcy procedures, who enumerated cash in accordance with the investment contract instead of the customer to contractor who did not fulfill his obligations; differences between commission agreement and construction contract in the sphere of construction; procedure of receiving-delivery of the goods in rail transport in accordance with the sublegislative normative legal acts; qualification of actions of a person, who prepacked his own goods in the package, which was pasted over trademark by another person.
- 5.3. Resolution of the Presidium of the High Arbitrazh Court of the Russian Federation dd. 04.09.2012 # 16728/11 regarding the case # A60-10944/2010 which defined legal position that in bankruptcy cases the current requirements of the employee for compensation for unlawful deprivation of his ability to work are satisfied in the second turn.

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- 5.4. Resolution of the Presidium of the High Arbitrazh Court of the Russian Federation dd. 04.09.2012 # 5184/12 regarding the case # A40-103033/11-79-895, which specified when a notification of participant of the process by Fax is proper.
- 5.5. Review of the practice of the Constitutional Court of the Russian Federation for the second and third quarters of the year 2012, which includes extracts from cases involving constitutional framework in particular on the following subjects: basis for administrative responsibility for violation of the order of carrying out public events; constitutionality of the concrete international treaty of the Russian Federation; use of the term «employment» in respect of founders (participants) of organizations; the minimum statutory monthly wage as one of the benchmarks for determining the amount of wage; definition of residential premises as property which may not be seized on the basis of enforcement documents; confirmation by tax authorities data of business income that was lost because of damage to health; jurisdiction of cases of appeal against action or inaction of the investigative authorities; arrest of the same real estate in the matter of criminal proceedings and the procedure of bankruptcy.
- 5.6. Resolution of the Plenum of the Supreme Court of the Russian Federation dd. 27.11.2012 # 26 “On the application of the norms of the Criminal procedural code of the Russian Federation, regulating the procedure in the court of appeal instance” which explained various aspects of the appeals procedure in the criminal process.