

REVIEW OF ECONOMIC LEGISLATION IN APRIL 2013¹

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In April, the following amendments were introduced into the legislation: the procedure for realization of the pre-emptive right to buying equities and issue-grade securities convertible into shares was specified; the specifics of regulation of the work of employees who operate beyond the premises of the employer (distant workers) was determined; it was established that from January 1, 2014 the Ministry of Education and Science of the Russian Federation would carry out formation and maintenance of the single state information system of recording of civil purpose R&D and technological work.

I. Federal Laws of the Russian Federation**Federal Law No.47-FZ of April 5, 2013 on AMENDMENT OF ARTICLE 41 OF THE FEDERAL LAW ON JOINT-STOCK COMPANIES**

The procedure for realization of the pre-emptive right to buy equities and issue-grade securities convertible into shares was specified.

So, if the price of placement or the procedure for determination of the price are set by the decision which constitutes the basis for placement by a joint-stock company (in case it is a credit institution) – in which over 50% of common shares is owned by the Russian Federation – by means of public offering of additional equities or issue-grade securities convertible into shares with payment for them in cash and the information in the notification is made public in compliance with the requirements of the legislation of the Russian Federation on securities the term of the pre-emptive right cannot be less than eight business days from the day such information was made public.

Federal Law No.60-FZ of April 5, 2013 on AMENDMENT OF INDIVIDUAL STATUTORY ACTS OF THE RUSSIAN FEDERATION

In particular, the Labor Code of the Russian Federation was supplemented with new Chapter 49.1 which regulates the specifics of work of employees who operate beyond the premises of the employer (distant workers).

A definition of distant work was provided. Distant work is fulfillment of a work function – determined by a labor agreement – beyond the premises of the employer, its branch, representative office or other special structural unit (including those located in other areas) provided that in carrying out of that labor function and networking between the employer and the worker on the issues related to fulfillment of the above function general purpose information and telecommunications networks, including the Internet are utilized. The labor legislation and other acts including the norms of the labor law with the certain specifics taken into account are applied to distant workers.

In networking of a distant worker with the employer by means of exchange of electronic documents, enhanced qualified electronic signatures are used.

The federal law sets the specifics of:

- Conclusion and amendment of the terms of the labor agreement on distant work;
- Organization and protection of labor of a distant worker;
- Labor hours and leisure time regimes of a distant worker;
- Termination of a labor agreement on distant work.

So, as the place of conclusion of a labor agreement on distant work and agreements on amendment of provisions of the labor agreement on distant work the location of the premises of the employer is specified.

In entering into a labor agreement on distant work by means of exchange of electronic documents, the documents which are specified in the Labor Code of the Russian Federation as necessary for submission may be provided to the employer by the person applying for distant work in the

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form of an electronic document. It is to be noted that on request of the employer the above person has to send notary certified hard copies of those documents by registered mail with notification of delivery.

It is established that a distant worker has to hand over to the employer the labor book personally or by registered mail with notification of delivery. At the same time, by agreement between the parties to the labor agreement on distant work the information on distant work may not be entered into the labor book of the distant worker, while in case the labor agreement is concluded for the first time the labor book may not be executed to the distant worker. In such a case, the main document certifying labor activities and the work record of a distant worker is a copy of a labor agreement on distant work. If labor agreement on distant work is concluded by means of exchange of electronic documents by a person who enters into a labor agreement for the first time, the above person receives individually the insurance certificate of state pension insurance.

The person who enters into a labor agreement on distant work may get familiar with the documents provided for by the Labor Code of the Russian Federation by means of exchange of electronic documents.

Unless otherwise is provided for by the labor legislation on distant work, the working hours and leisure time regimes of a distant worker are set at his/her discretion. The procedure for provision of a paid leave and other types of holidays is determined by the labor agreement on distant work in accordance with the existing Code and other statutory acts which include the norms of labor law.

Termination of the labor agreement on distant work on the initiative of the employer is carried out on the grounds provided for by the labor agreement. If a distant worker gets familiar with the order (instructions) of the employer on termination of the labor agreement on distant work in the form of an electronic document, on the day of termination of the labor agreement on distant work the employer has to send a duly executed hard copy of the above order (instructions) to the distant worker by registered mail with notification of delivery.

II. Resolutions of the Government of the Russian Federation

1. Resolution No. 327 of April 12, 2013 on SINGLE STATE INFORMATION SYSTEM OF RECORDING OF CIVIL PURPOSE R&D AND TECHNOLOGICAL WORK

From January 1, 2014, the Ministry of Education and Science of the Russian Federation will carry out formation and maintenance of a new single state information system of recording of civil purpose R&D and technological work.

The Statute on the Single State Information System of Recording of Civil Purpose R&D and Technological Work was approved by the above document.

As before, accounting entities in the information system are the following types of the data on civil purpose R&D carried out at the expenses of federal budget funds by companies regardless of their form of incorporation and form of ownership:

the data on the work to be started;

the data on the outputs of work which is to be provided in accordance with the Federal Law on a Mandatory Copy of Documents in the form of mandatory copies of unpublished documents (reports on R&D, defended thesis for seeking of an academic degree, algorithms and programs) and their abstractive and bibliographic description;

the data on possessors of rights and titles to such outputs of intellectual activities created in the processes of fulfillment of work as are good for legal protection as an innovation, utility model and industrial sample or have a legal protection as a data base, lay-out geometry of integrated circuit or a program for electronic computers, as well as the data on change in the legal protection status and practical application (implementation) of the outputs of intellectual activities.

The information system is formed on the basis of the data submitted to the Ministry of Education and Science of the Russian Federation in the form of an electronic document signed by means of an electronic signature or a hard copy document as per form of provision of the data and within the deadlines set by the Ministry of Education and Science of the Russian Federation. Access to the data included in the information system is carried out on a free of charge basis via the official site of the Ministry of Education and Science of the Russian Federation.

Within a three-month period, the Ministry of Education and Science of the Russian Federation has to develop and approve the following:

forms of provision of the data on civil purpose R&D and technological work in order to keep record of it in the information system and requirements to filling in the above forms;

procedure for confirmation by main budgetary funds disponents – which carry out financing of civil purpose R&D and technological work and performing functions of a customer of such work – of compliance of the data on the above work entered into the information system with the terms of state contracts on fulfillment of civil purpose R&D and technological work.

Resolution No.284 of May 4, 2005 of the Government of the Russian Federation on State Recording of Civil Purpose R&D and Technological Work becomes null and void from January 1, 2014. ●