

REVIEW OF RUSSIA'S ECONOMIC LEGISLATION IN OCTOBER 2013¹

I.Tolmacheva, Yu.Grunina

In October, the following amendments were introduced into the legislation: such new as well as updated norms of the Civil Code of the Russian Federation as regulate the civil institute of the international private law will become effective from November 2013; the annual quota on education of foreign nationals and stateless persons at the expense of allocations from the federal budget does not exceed 15,000 persons.

Federal Law of the Russian Federation

Federal Law No.260-FZ of September 30, 2013 on AMENDMENT OF PART III OF THE CIVIL CODE OF THE RUSSIAN FEDERATION

The Section – the International Private Law – of the Civil Code of the Russian Federation is supplemented with norms regulating, in particular, the following:

- responsibility of founders of a legal entity founded abroad as regards its obligations (so, if a legal entity founded abroad carries out its business activities mainly in the territory of the Russian Federation, the Russian law or, at discretion of the creditor, the personal law of such a legal entity is applied to claims as regards liabilities²);
- the domain of the law subject to application of proprietary rights (in particular, it includes: types of legal objects of proprietary rights, including real property and movable things; transferability of object proprietary rights; types of proprietary rights; scope of proprietary rights; creation and termination of proprietary rights including a transfer of proprietary rights; execution of proprietary rights and protection of proprietary rights);
- the right of parties to reach an agreement on creation and termination of such rights of ownership and other proprietary rights to moveable property as are subject to application to their deal without prejudice to third persons;
- the law applied in respect of agreements on commercial concession, alienation of the exclusive right to outputs of intellectual activities and license agreements (revised Article 1211 which determines that in case of absence of agreement between the parties on which law is to be applied to the agreement, the law of the country where the place of domicile or the place of the main business of the party carrying out performance which is of crucial significance to the scope of the agreement is applied);
- the law which is subject to application to assignment of the rights of a creditor to another person on the basis of the law (new Article 1216.1. was introduced. So, in meeting by a third person of the creditor's claims to the debtor (a new creditor), an assignment of the creditor's rights on the basis of the law to such a third person (a new creditor) is determined in accordance with the law which is subject to application to relations between the initial creditor and the new creditor unless otherwise is specified in the law or stems from the aggregate of facts and circumstances of the case);
- representation which is based on the agreement: in such a case the relations between the represented party and the representative are determined in accordance with the law of the country where on the day of entering into agreement the place of domicile or the main place of business activities of the party which carries out performance is situated (new Article 1217.1 was introduced);
- termination of a liability by means of a set-off. It is established that termination is determined in accordance with the law of the country subject to application to relations from which the claim arose against which the set-off of a counterclaim is declared. Termination of a liability by means of a set-off carried out by agreement between the parties is determined by rules of the law which is subject to application to the agreement;
- claim for damage: it can be made by the affected party directly to the insurer if it is permitted by the law applied to the obligation which arose as a result of the inflicted damage or that applied to the insurance agreement (Article 1220.1 was introduced);
- determination of the law which is subject to be applied to obligations which arose due to the fact that negotiations on conclusion of the agreement were carried out not in good faith. Article 1222.1 was introduced; it reads that in respect

¹ The Review was prepared with assistance of the Konsultant-Plus Legal System.

² The personal law of a legal entity is the law of the state in which territory the legal entity was registered.

of obligations which arose due to unscrupulous negotiations on conclusion of the agreement the law which is subject to application to the agreement is used, while in case the agreement was not concluded the law that would be applied to the agreement if it was concluded is used.

- selection by the parties to the agreement of the law which is subject to application to an obligation which arose as a result of the inflicted damage or unjustified enrichment if on the day of carrying out of actions or emergence of another factor which inflicted damage or caused unjustified enrichment all the circumstances related to the subject matter of the relations between the parties are related only to one country, selection by the parties of the law of another country cannot affect mandatory norms of the law of the country which all the circumstances of the relations are related to.

Resolution of the Government of the Russian Federation

Resolution on ESTABLISHMENT OF THE QUOTA ON EDUCATION OF FOREIGN NATIONALS AND STATELESS PERSONS IN THE RUSSIAN FEDERATION

In accordance with the Federal law on Education in the Russian Federation, foreign nationals have the right to receive the secondary vocational education, higher education and additional vocational training at the expense of allocations from the federal budget, budgets of constituent entities of the Russian Federation or local budgets in accordance with international agreements of the Russian Federation, federal laws or quotas on education of foreign nationals established by the Government of the Russian Federation, as well as at the expense of funds of individuals and legal entities in accordance with agreements on rendering of paid education services.

According to the Resolution of the Government of the Russian Federation, the annual quota on education in the Russian Federation (at educational establishments on vocational programs of the secondary vocational education, higher education and additional vocational training at the expense of allocations from the federal budget) of foreign nationals and stateless persons, including compatriots living abroad does not exceed 15,000 persons.

Resolution No.638 of August 25, 2008 on Cooperation with Foreign Countries in the Sphere of Education is recognized as null and void. ●