

## THE REVIEW OF RUSSIA'S ECONOMIC LEGISLATION OF JANUARY 2015<sup>1</sup>

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*In January 2015, the following amendments were introduced into the legislation: the procedure for employment in the Russian Federation of high skilled workers – foreign nationals was specified; additional requirements to a leasing agreement concluded by state or municipal entities were set; the new procedure for withdrawal of land plots for state and municipal needs was established.*

### Federal Laws of the Russian Federation

1. Federal Law No. 508-FZ of December 31, 2014 on AMENDMENT OF ARTICLE 13.2 OF THE FEDERAL LAW ON THE LEGAL STATUS OF FOREIGN NATIONALS IN THE RUSSIAN FEDERATION

It is established that high-skilled workers can be hired by employers or customers of jobs (services):

- which as of the day of submission of a request for hiring of high-skilled experts do not have any unfulfilled resolutions on imposition of an administrative punishment for violation of the regime of residence (stay) of foreign nationals in the Russian Federation or the procedure for fulfillment by them of labor activities in the Russian Federation;
- in respect of which as of the day of submission of a request for hiring of high-skilled workers a decision on a ban to employ foreign nationals for work in the Russian Federation as high-skilled experts is not applied to.

It is determined that the employer and the customer of jobs and services has no right within two years to employ high-skilled experts (foreign nationals) for work in the Russian Federation if the employer or the customer of jobs (services):

- has failed to fulfill the assumed obligations to high-skilled experts or obligations arising from the terms of a labor agreement or observe the terms of a civil law contract on fulfillment of jobs (rendering of services) concluded with high-skilled experts;
- submitted false documents to the federal executive authority in charge of migration or its authorized territorial body.

In case of application of an employer or customer of jobs (services) in respect of which a decision on a ban on employment of foreign nationals for work in the Russian Federation as high-skilled workers is applied to with a request to extend the term of a work permit or a request to employ high-skilled experts before the

expiry of the term (two years) the federal executive authority in charge of migration or its authorized territorial body will without considering the above request or petition in substance notify in writing the employer or the customer of jobs (services) of the date from which it can apply with the above request or petition.

Amendments to the Federal Law will become effective upon 60 days from the day of its official publication.

2. Federal Law No.512-FZ of December 31, 2014 on AMENDMENT OF ARTICLE 665 OF PART TWO OF THE CIVIL CODE OF THE RUSSIAN FEDERATION AND FEDERAL LAW ON FINANCIAL LEASE (LEASING)

It is established that if the lessee is a public or municipal entity:

- the agreement should provide for an obligation of the lessor to determine at its own discretion the seller of property under the lease agreement;
- it is banned to carry out settlements on lease payments by means of products produced with utilization of a leasing item.

A ban on collateralization of obligations, as well as the right of the parties to change the amount of lease payments in accordance with the budget estimate is set by the agreement.

Also, for fulfillment of obligations under the lease agreement entities are prohibited to conclude loan agreements.

3. Federal Law No.499-FZ of December 31, 2014 on AMENDMENT OF THE LAND CODE OF THE RUSSIAN FEDERATION AND INDIVIDUAL STATUTORY ACTS OF THE RUSSIAN FEDERATION

The federal law will become effective from January 1, 2015. Numerous amendments were introduced into the Land Code of the Russian Federation, the Civil Code of the Russian Federation and a number of statutory acts.

So, under the federal law landowners, land users, landholders and lessees of land plots are united into the common notion: land title holders.

<sup>1</sup> The Review was prepared with assistance of the Konsultant Plus legal system.

A new chapter in which the procedure for withdrawal of land plots for public and municipal needs is determined was introduced into the Land Code of the Russian Federation. The authorities which take decisions on withdrawal of land plots, conditions of withdrawal, procedure for application to authorized executive authorities and local government authorities with a petition to withdraw land plots, procedure for making a decision on withdrawal of land plots, the specifics of determination of the amount of compensation due to a withdrawal of land plots and the procedure for entering into an agreement on withdrawal of real property for public and municipal needs were specified.

It is established that compensation is provided to the title holder for a land plot withdrawn for public and

municipal needs. In determination of the amount of compensation, the market value of the land plot, the ownership title which is subject to termination or the market value of other rights to the land plot which are subject to termination and losses due to withdrawal of such a land plot, including lost profits are included in the amount of compensation.

The procedure for provision of housing under a social rent contract due to withdrawal for public or municipal needs of a land plot on which residential properties or an apartment house are situated was determined.

The procedure for termination of individuals' and legal entities' titles to land plots and water bodies required for utilization of subsoil assets was determined by the amendments introduced. ●