



LEGAL ALERT

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LCP NEWS & EVENTS

- 13 November 2012. Michael Malinovskiy participated in the annual seminar of the Market of Innovations and Investments (MII) organized by the Moscow Stock Exchange for the top executives and key managers of the companies accredited as listing agents of MII Sector.
- 19 November 2012. Dmitry Krupyshev as an expert in the working group participated in the Round Table discussion «Grounds for the adoption of the Federal Law On Alternative Energy Sources», which was organized by the Civic Chamber of the Russian Federation.
- International rating agency Chambers & Partners published on its website information on Legal Capital Partners, which includes information on key activities and clients of the firm.
The profile is available at:
<http://www.chambersandpartners.com/Europe/Firms/22597180-47710>

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Regulation of the Government of the Russian Federation of 08 November 2012 № 1148 “On particularities of calculation of fee for emission of pollutants in course of burning at flare facilities and (or) deflation of oil-associated gas” (hereinafter referred to as the “Regulation”)

For the purpose of abatement of the atmosphere pollution with emissions of pollutants and of greenhouse gases emission the Government of the Russian Federation determined the particularities of calculation of fee for emission of pollutants evolving in course of burning at flare facilities and (or) deflation of oil-associated gas (hereinafter referred to as the “Pollutants”)

The Regulation adopted the Rules “On particularities of calculation of fee for emission of pollutants in course of burning at flare facilities and (or) deflation of oil-associated gas” (hereinafter referred to as the “Rules”), which requirements should be taken into account when calculating fees for emissions of Pollutants in accordance with the “Order of calculation of fee and its limits for pollution of the environment, disposal of wastes and other kinds of negative impact” adopted by the Regulation of the Government of the Russian Federation of 28 August 1992 № 632 (hereinafter referred to as the “Order of fee calculation”).

Below we review the particularities of calculation of fee for emission of Pollutants, specified by the Regulation and the Rules

The marginal limit of the burning index

The Regulation sets forth the allowed marginal limit (hereinafter referred to as the “Marginal limit”) of the burning index at the flare facilities and (or) deflation of oil-associated gas (hereinafter referred to as the “Burning index”) in amount not above 5 % of the cumulative oil associated gas produced. The Regulation specifies the formula for the Burning index calculation as well as the cases in which the Burning index is not applicable. The Burning index should be calculated quarterly.

Extra factor K

Extra factor K is applied in course of calculation of the fee for emission of Pollutants in case the Marginal limit of the Burning index is exceeded with consideration of exceptions specified by the Rules. Extra factor K is 12 for the year 2013 and 25 from the year 2014.



Index of costs cover

If the user of subsoil implements projects on beneficial use of oil-associated gas within the framework of investment gas programs of users of subsoil provided for to the Ministry of Energy of the Russian Federation and (or) technical projects of deposits development duly adopted (hereinafter referred to as the "Projects on beneficial use"), the mentioned user calculates the index of costs cover for implementation of the Projects on beneficial use (hereinafter referred to as the "Index of costs cover") in accordance with formulas set forth by the Rules.

If the Index of costs cover is equal or exceeds 1 the extra factor K is 1.

If the Index of costs cover is less than 1 the extra factor K should be multiplied by difference between 1 and the Index of costs cover provided that extra factor K should not be less than 1.

For the purpose of the Index of costs cover calculation the user of subsoil – payer of the fee for emission of Pollutants discounts expenses for implementation of Projects on beneficial use. Such expenses include documented costs for reduction of the Burning index. The user of subsoil – payer of the fee for emission of Pollutants calculates the Index of costs cover and discounts it when calculating fees for negative impact on the environment at the end of each payment period.

Information on expenses on implementation of Projects on beneficial use should be provided for by the user of subsoil – payer of the fee for emission of Pollutants to the Federal Service for Supervision to the Natural Resources Use for the purpose of offset (adjustment) of payments to the budgets of the budgetary system of the Russian Federation in accordance with the procedure set forth by the Ministry of Natural Resources and Ecology of the Russian Federation.

Becomes valid from 01 January 2013



II. FSFM Information letter of 12 November 2012

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Information letter of the Federal Service for Financial Markets of the Russian Federation of 12 November 2012 “On providing of information necessary for maintaining of the registry of contracts concluded upon the terms of master agreement (uniform contract)”

The information letter clarifying particular issues related to providing by the parties of the over-the-counter contract concluded on the basis of master agreement (uniform contract) of information to repository has been published at the Federal Service for Financial Markets of the Russian Federation web-site

On 26 October 2012 the “Rules of maintaining of the registry of contracts concluded on the basis of master agreement (uniform contract), providing of information necessary for maintaining of the mentioned registry and information from the mentioned registry as well as providing of the registry of contracts concluded on the basis of master agreement (uniform contract) to the federal executive body on securities market”, adopted by the Order of the Federal Service for Financial Markets of the Russian Federation of 28 December 2011 № 11-68/pz-n (hereinafter referred to as the “**Order of the registry maintaining**”), became effective. The Order of the registry maintaining determined the order of providing by the counterparties of over-the-counter contracts concluded upon the terms of master agreement (uniform contract), of information on the mentioned contracts to the self-regulated organization of professional participants of the securities market, clearing company or stock exchange (repository). The Federal Service for Financial Markets of the Russian Federation clarified issues arising in connection with application of particular provisions of the Order of the registry maintaining and paragraph 6 of Article 51.5 of the Federal Law of 22 April 1996 № 39 FZ “On securities market”.

Clarification of provisions connected with master agreement (uniform contract)

The Federal Service for Financial Markets of the Russian Federation clarifies that the information on over-the-counter contracts concluded upon the terms determined by master agreement (uniform contract) shall be provided for to repository if the mentioned master agreement (uniform contract) complies with one of the following requirements:



- contains particular terms determined by the standard terms of the contracts: (i) adopted by the self-regulated organization of professional participants of the securities market and approved by the Federal Service for Financial Markets of the Russian Federation or (ii) drafted (adopted) by foreign organizations included in the list adopted by the Federal Service for Securities Market of the Russian Federation*; or
- contains provision under which: (i) contracts (transactions) concluded upon the terms of master agreement (uniform contract) constitute a unified contract between the counterparties and (ii) breach of the terms of one of these contracts (transactions) is considered breach of terms of all of these contracts (transactions) concluded by the counterparties within the framework of master agreement (uniform contract).

Clarification of provisions related to the informing entities

The Federal Service for Financial Markets of the Russian Federation notes that both counterparties of the agreement concluded upon the terms of master agreement (uniform contract), including a foreign counterparty, are subject to the obligation of providing of information on the mentioned agreement to repository.

Published at the Federal Service for Financial Markets of the Russian Federation web-site on 12 November 2012, is not a normative legal act

* *The mentioned list is adopted by the Order of the Federal Service for Financial Markets of the Russian Federation of 29 November 2011 № 11-62/pz-n "On adopting of the List of foreign organizations drafted (adopted) the standard terms of contracts (other similar documents), that may determine particular terms of repurchase agreement, derivative contract or contract of other type on securities and (or) foreign currency or master agreement (uniform contract) if one of its counterparties is a foreign entity".*