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OFFSHORE COMPANIES AS A MEANS OF JURISDICTION PROTECTION CHOICE

Keywords: international framework of foreign investments protection, foreign investor, offshore company, international arbitration

The article deals with legitimacy of offshore companies use for investment planning purposes. The use of offshore companies with the purpose to choose a convenient international treaty on foreign investments protection and international arbitration in a dispute against a state receiving investments is examined in practical terms.

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AMENDMENTS TO APPEAL PROCEDURE IN CIVIL ACTIONS IN FRANCE

Keywords: appeal, civil proceeding in France, review of court rulings, challenging of court rulings, electronic filing of documents

Russian laws on civil appeals are being revised. Reforms of legal institutions should be carried out when foreign experience in the field is studied and taken into account particularly when the experience originates in a country with a similar legal system. The amendments to Civil Procedural Code of France which took effect on January 1, 2011 with the purpose to eliminate delays in this stage of proceeding are highlighted in the article.

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ISSUES OF AWARDING GOVERNMENTAL AND MUNICIPAL CONTRACTS IN SOCIAL SPHERE

Keywords: awarding governmental and municipal social contracts, social contract, social organizations, disabled persons, non-commercial entities, competitive tender, auction, sanatorium-resort therapy

According to the author in those situations when the law on awarding contracts supposedly is aimed at special legal regulation of procedures involving social organizations one is faced with wasteful and useless rules. Nowadays new laws on governmental contracts should include adequate rules with the purpose to meet social demands in Russia.

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PROTECTION OF EMPLOYEES' RIGHTS IN A SINGLE TOTAL OPERATION IN LATIN AMERICAN COUNTRIES

Keywords: Latin America, a single total operation, protection of employees' rights, participation in enterprise management, participation bond

The author examining foreign experience in labour rights protection concentrates on the forms of employees' participation in enterprise management, stimuli increasing their interest in work results and accountability of a single total operation before its employees.

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ON DOUBLE TAXATION IN RUSSIAN TAX LAWS

Keywords: double taxation, tax laws, transport tax, tax on corporate property, value added tax, unified social tax, income tax

Russian tax legislation contains a restricted form of the principle preventing multiple taxation in the same legal relations. At the same time there exist opportunities for double taxation. The article deals with a number of such examples. Long lasting controversy in theory and judicial actions in this area underline the importance of the issue in question.

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CONTROVERSIAL PROVISIONS ON PROPERTY RIGHT AND ITS OBJECTS IN THE CIVIL CODE OF THE RUSSIAN FEDERATION

Keywords: possession, use, disposal, property right, property object, item of property, chattels, restriction on the right, improvement of civil laws

Conception on improving civil legislation has ignored article 209 of the Russian Civil Code "The essence of property right". According to the authors its wording does not stand up criticism and badly needs revision.

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FIDUCIA AS A SECURITY OF BORROWER'S OBLIGATIONS

Keywords: obligation security, loan agreement, fiducia, chattel mortgage, freedom of contract, sham transaction, abuse

The issue of the parties' freedom limits in the choice of means securing obligations is examined in the article. Court rulings illustrate problems and risks arising from parties' non-express means of security that is fiducia and chattel mortgage.

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THE ESSENCE OF PUBLIC POLICY PROVISIO

Keywords: private law, legal principles, international law, public policy proviso, international arbitration court

Defects arising from the application of public policy proviso result from the lack of clarity in the definition of "public policy" in the first place. The debates about it are by no means over. According to the author the only solution to the problem is the detailed examination of the concept "public policy" and application of public policy proviso in terms of the current "truly international public policy" concept. The concept "public policy" should be first spelt out in international legal documents.

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NOTARY WRIT AS AN OUT-OF-COURT REMEDY PROTECTING OBLIGATION RIGHTS

Keywords: notary writ, out-of-court method of property seizure, notary, enforcement proceeding, writ of execution

The legal nature of notary writ is examined in the article. The author justifies the necessity of wider application of the said out-of-court protection of property rights proposing related amendments to the existing laws.

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RESTRICTIONS ON USING OUTSTAFFING IN LICENSED ACTIVITIES

Keywords: outstaffing, staff leasing, licensed activity, state secret, admission to state secret, maintaining organization, atomic energy use

Use of staff leasing, non-core personnel and transfer of personnel are kinds of outstaffing. Russian laws lack express rules restricting outstaffing use. At the same time use of outstaffing in licensed activities has its specific features which can not be ignored.

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CONSTITUTIONAL ISSUES IN RUSSIA IN THE 1860S—1880S (COMMEMORATING EMPEROR'S ALEXANDER II DEATH IN 1881). ARTICLE SEVEN

Keywords: constitution, reforms, constitutional issues in Russia, M.T. Loris-Melikov's Report of January, 28, 1881, its discussion in governmental circles

The article describes political and ideological struggle around the constitution and prospects of monarchy in Russia in the 1860s—1880s. Draft law providing for governmental reform in Russia proposed by the Minister of the Interior M.T. Loris-Melikov in his report of January, 28, 1881 to the Tsar.

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EXAMINATION OF WITNESSES IN CIVIL (COMMERCIAL) PROCEEDING

Keywords: witness, examination of a witness, testimony, commercial proceeding, civil proceeding

The article deals with practical matters related to witness examination in court with the purpose of obtaining precise and true information. The author brings into prominence psychological aspects and tactic devices used during witness examination. The author believes that examination of witnesses in modern civil (commercial) proceeding can and should be improved.