

STATUTE OF LIMITATIONS

(as of 1 April 2016)

IMPORTANT NOTE!

For the sake of brevity and convenience, we have omitted certain details.
Please remember that such details may be vital for the development of your particular situation.

CATEGORY OF DISPUTE	PERIOD	REF. TO LAW ¹
General statute of limitations	3 years	CC Art. 196(1)
“Maximum” statute of limitations	10 years	CC Art. 196(2), 200(2)(2)
Invalid transactions		
Voidable transactions	1 year	CC Art. 181(2)
Void transactions	3 years	CC Art. 181(1)
Challenging corporate resolutions		
General statute of limitations	6 months	CC Art. 181.4(5)
JSC: Decisions of the General Shareholders’ Meeting	3 months	JSC Law Art. 49(7), paras. 104, 111 of PSC Res No. 25
LLC: Decisions of the General Participants’ Meeting	2 months	LLC Law Art. 43(4), paras. 104, 111 of PSC Res No. 25
Bankruptcy: challenging the creditors’ meeting’s decisions	20 days	BL Art. 15(4)
Invalidating a void decision of a meeting	3 years	para. 112 of PSC Res No. 25
Violation of the pre-emptive rights to purchase shares in joint property, LLCs, JSCs, or in business partnerships	3 months	CC Art. 250(3), LLC Law Art. 21(18), JSC Law Art. 7(4), BP Law Art. 15(8)
Sales (leases) of enterprises: creditors’ claims	3 months	CC Art. 562(3), 657(3)
Work and labour contracts		
Claims related to the quality of work	1 year	CC Art. 725(1)
Claims related to the quality of capital construction works	3 years	CC Art. 725(1)
Carriage of goods		
Carriage of goods, freight	1 year	CC Art. 797, ATC Art. 42, SRT Art. 126, IWTC Art. 164, CMC Art. 408
Collision of vessels, salvage operations	2 years	IWTC Art. 164(5), CMC Art. 409
Insurance		
Insurance of property	2 years	CC Art. 966(1)
Insurance of liability for injury to the person, health and	3 years	CC Art. 966(2)

¹ Please find a list of abbreviations in the end of the document.

property of other individuals

Cheques: claims of the cheque-holders 6 months CC Art. 885(3)

Labour disputes

Individual labour disputes (unrelated to dismissal) 3 months LC Art. 392

Dismissal disputes 1 months LC Art. 392

Disputes related to the employee's compensation of damage caused to the employer 1 year LC Art. 392

ANSWERS TO FREQUENTLY ASKED QUESTIONS:

1) When does the statute of limitations start to run?

The general rule (there are exceptions) is as follows: the statute of limitations begins to run on the date when the person has learned or should have learned

- 1) about the violation of his/her/its right;
- 2) who the perpetrator (the respective defendant) is (paras. 1, 3 of PSC Res No. 43).

At the same time, if the contract specifies the term for performance, the statute of limitations begins to run upon the expiry of such term for performance (Art. 200(2) CC).

Inheritance, reorganization of legal entities, transfer of ownership title to property, assignment of claims and other types of universal or singular legal succession do not affect the statute of limitations.

2) When is the statute of limitations suspended?

The running of the statute of limitations is suspended for the duration of the mandatory pre-judicial dispute settlement procedures (starting from 1 June 2016), as well as for the duration of any other measures of extrajudicial settlement of disputes prescribed by law.

3) What is the "maximum" statute of limitations?

As it follows from the answer to question 1 above, if a person has not learned about the violation of his/her right (or the circumstances where such a person should have learned about it, have not come about), the statute of limitations does not begin to run. Starting from 1 September 2013, Art. 196 of the Russian Civil Code has been supplemented by a rule, according to which, even if a person has not learned about the violation (or the circumstances where such a person should have learned about it, have not occurred), the statute of limitations still may not exceed 10 years from the date of the violation.

4) Can the elapsed period be reinstated?

The statute of limitations missed by business entities (legal entities and individual entrepreneurs) is not subject to reinstatement.

The statute of limitations missed by an individual may be reinstated upon a motion of such person, in exceptional cases.

5) When does the statute of limitations apply? Who bears the burden of proving that it has expired?

The statute of limitations applies only if invoked by one of the parties to a dispute. The same party

shall prove that the period has lapsed.

6) Are any claims exempt from the statute of limitations?

Yes. For instance, the statute of limitations does not apply to claims of owners (the legitimate possessors) for redress of violations unrelated to violations of possession; claims of depositors to the bank for the withdrawal of deposits; claims for compensation of injury to life and health; as well as in cases of protection of moral rights.

LIST OF ABBREVIATIONS:

CC	Civil Code of the Russian Federation
LC	Labour Code of the Russian Federation
IWTC	Inland Water Transport Code of the Russian Federation
CMC	Commercial Maritime Code of the Russian Federation
LLC Law	Federal Law No. 14-FZ dated 8 February 1998 "On Limited Liability Companies"
JSC Law	Federal Law No. 208-FZ dated 26 December 1995 "On Joint-Stock Companies"
BP Law	Federal Law No. 380-FZ dated 3 December 2011 "On Business Partnerships"
ATC	Federal Law No. 259-FZ dated 8 November 2007 "Automobile and Public Above-Ground Electrical Transport Code"
SRT	Federal Law No. 18-FZ dated 10 January 2003 "Statute on Railway Transport of the Russian Federation"
PSC Res No. 43	Resolution of the Plenum of the Supreme Court of the Russian Federation No. 43 dated 29 September 2015 "On Certain Issues Related to the Application of the Rules of the Civil Code of the Russian Federation on the Statute of Limitations"
PSC Res No. 25	Resolution of the Plenum of the Supreme Court of the Russian Federation No. 25 dated 23 June 2015 "On Application by Courts of Certain Provisions of Section I of Part One of the Civil Code of the Russian Federation"
BL	Federal Law No. 127-FZ dated 26 October 2002 "On Insolvency (Bankruptcy)"

MOSGO & PARTNERS LAW FIRM

Tel.: +7 (495) 228 48 78
info@mosgolaw.com
www.mosgolaw.com

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