



Leading the Way in Russian Law

Lidings sets precedent at EurAsEC Court

On February 17, 2014, the EurAsEC Court recognized eligibility of complaint lodged by Vichiunai-RUS LLC to appeal negligence of the EurAsEC Commission, which resulted in refusal of recourse to the EurAsEC Court for obtaining clarifications regarding the application of international customs treaties and agreements of the Russian Federation within the Customs Union and the Common Economic Space.

The company's interests in Russian courts and on the international arena are represented by Lidings. The firm supported the client throughout nearly the entire national appealing procedure down to the Supreme Court of the Russian Federation before recourse to the EurAsEC Court. The project led by partner Stepan Guzey is carried out by members of the dispute resolution practice – senior associate Aleksandr Popelyuk and associate Tatyana Larina.

All Russian courts refused to recognise as illegal grounds for bringing the company to responsibility under Art. 16.20, Part 1, of the Administrative Code of the Russian Federation for transit of goods on route Kaliningrad Region – Republic of Belarus with the use of vehicles, which had been placed under the temporary customs area regime.

For compliance with the established order of recourse to the EurAsEC Court, the company filed an application with the Eurasian Economic Commission, stating the requirement to direct to the EurAsEC Court a request on interpretation, application and clarification of provisions of national and international regulations concerning special economic zones within the customs territory of the Customs Union, and customs procedure of a free customs zone, as well as the procedure for enforcement of international treaties, concluded within the Customs Union and the Common Economic Space and their provisional application, including by law courts.

The Eurasian Economic Commission refused the company recourse to the EurAsEC Court by reason of default of right.

Pursuant to the EurAsEC Court Ruling dated February 17, 2014, the EurAsEC Panel of Judges holds a different viewpoint. Along with the specified grounds for claim acceptance, the judges will also consider issues relating to adoption of provisional remedies and indemnification for legal expenses.

Hearing of the dispute on the merits is scheduled for March 25, 2014. Information on the history of the case is available on the official website of the Eurasian Economic Community Court.