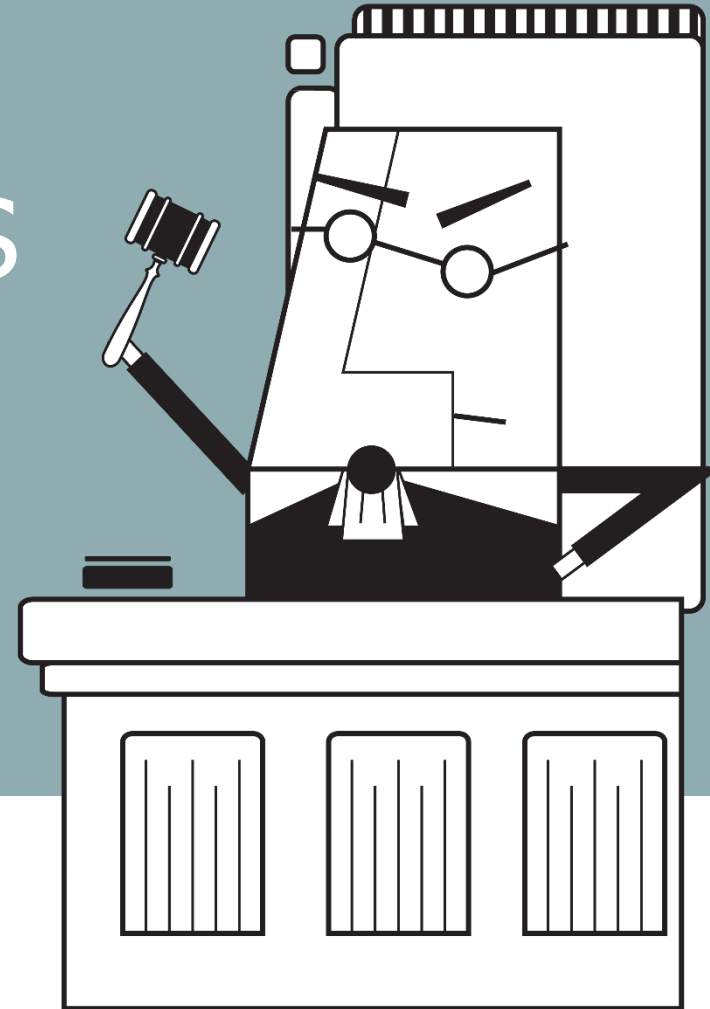


CRIMINAL LAW DEFENCE OF BUSINESS



About the practice

The broad horizons of our attorneys in Russian criminal law, allied with their extensive practical experience, allow them to successfully solve complex and non-standard problems when we represent and defend the shareholders, executives and employees of clients in the context of a criminal trial (avoiding or minimising any risk of criminal liability).

Pepeliaev Group's lawyers help clients in solving specific business tasks:



to prevent the destruction of a business as a result of criminal prosecution, in particular when investigative bodies have used prohibited methods of investigation, possible abusive practices, and illegal and excessive coercion;



to prevent competitors from using criminal procedure to gain access to the client's confidential information;



to maintain a business-friendly environment among the staff members during state control and coercive procedures, to minimise the risks of panic among the staff caused by these procedures;



to prevent additional "extra-procedural" costs from growing owing to intimidation, threats and blackmail, which some malevolent officials use.

Services

- Giving advice.
- Assessing and mitigating risks.
- Examining the conduct of law enforcement authorities.
- Reviewing and summarising the practice of applying criminal and criminal procedural legislation.
- Contesting acts or omissions of law enforcement bodies.
- Defending clients before law enforcement authorities and in courts of general jurisdiction.
- Appealing court decisions to higher courts.

Manufacturer of consumer goods

Instructed by a major international retailer and manufacturer of household goods with an extensive network of stores in Russia, we handled a number of criminal cases in which company employees were held liable for thefts of company property. The company primarily regarded the fact that former employees were held liable as being a deterrent to those still employed within the company. All of the criminal cases went to court, with the guilty parties punished by imprisonment by virtue of article 73 (conditional conviction) of the Russian Criminal Code being applied. Civil lawsuits were upheld in full.

Major logistics company

Appealed to the state prosecutor's office against searches being conducted in the office of our client, a major logistics company. During such searches, financial and business documents of the company and computers were seized, while employees were given demands to appear to answer questions. As a result of the appeal, a response was received from the prosecutor's office according to which it was established that police employees committed violations when they carried out the searches. The audits in relation to the company within the scope of the law "On searches and investigative activity" were terminated, the documents and computers were returned, and the employees were not interrogated.

Our services

Well-known logistics company

We devised a legal position in relation to a criminal case brought against a client (a major international logistics company) based on the files from a tax audit that had been conducted. We drafted an appeal to the state prosecutor and the court against the resolution to bring criminal charges. Nonetheless the court decided to reject the appeal, on the grounds that the person who sanctioned charges being brought was unaware that the client had made a significant overpayment of tax. However, the investigator himself, a week after the court heard the appeal, issued a resolution discontinuing the criminal case owing to the lack of a crime.

International retailer

Drafted a legal opinion regarding the criminal law risks in relation to a creditor sending a complaint to law enforcement bodies concerning executives of the Client committing fraud by way of embezzling funds obtained under a loan agreement. After reviewing the facts of the case and the documents, we concluded that there was no risk of a criminal prosecution. Later, after a preliminary examination was conducted in respect of our client, the decision was taken not to open a criminal investigation into fraud. This was in line with our forecast.

Holding structure producing foodstuffs

We devised a legal position and provided support in the context of a preliminary investigation conducted regarding executives of our client, a major food producing concern. The criminal case was brought in relation to the alleged carrying on of unlawful business activity by failing to have a licence when a licence was required. The preliminary investigation lasted for a year before a rare procedural decision was handed down: the head of the investigative body issued a resolution cancelling the investigator's decision to bring criminal charges. This resolution actually acknowledged the fact that the criminal case was originally launched unlawfully and with no justification.

Major manufacturer of industrial goods

Advised a major manufacturer of industrial goods as to company employees' compliance with the requirements of Russian anti-bribery legislation in the commercial sector. We also drafted internal guidelines for relationships with contracting parties in order to prevent cases of commercial bribery

Our services

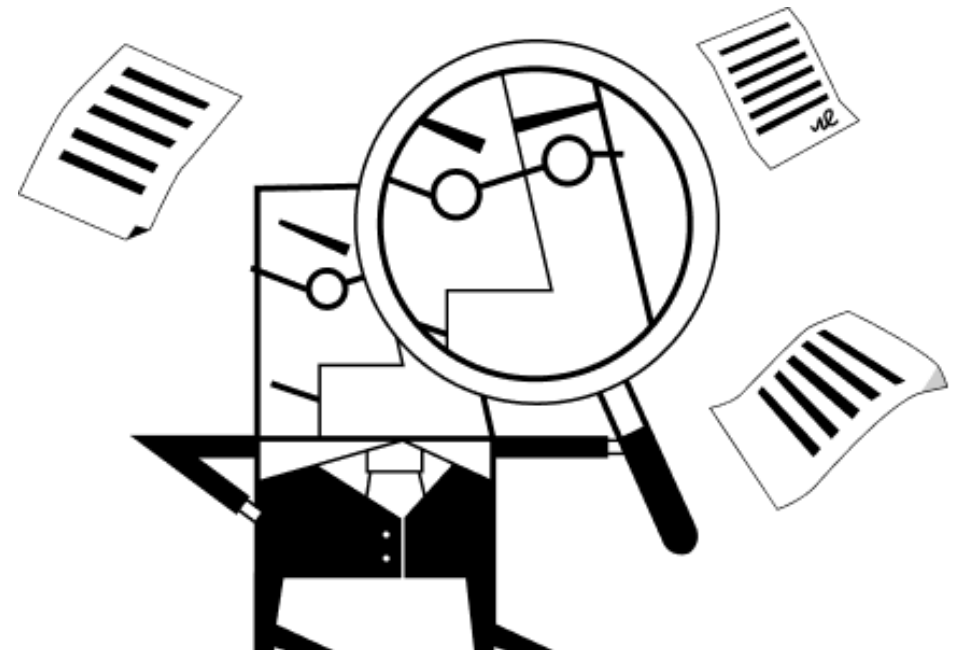
Major company

Drafted a legal opinion regarding the criminal law risks in relation to a creditor sending a complaint to law enforcement bodies concerning executives of the Client committing fraud by way of embezzling funds obtained under a loan agreement. After reviewing the facts of the case and the documents, we concluded that there was no risk of a criminal prosecution. Later, after a preliminary examination was conducted in respect of our client, the decision was taken not to open a criminal investigation into fraud. This was in line with our forecast.

Private individual

We appealed to the Moscow City Court's Judicial Panel for Criminal Cases against the sentence of the City of Moscow's Kuntsevo District Court. Our client, a private individual, had been sentenced to five years' imprisonment for committing a crime contemplated by article 159(4) of the Criminal Code (fraud in a particularly large amount, perpetrated by an organised group). The Judicial Panel agreed with the arguments in the appeal, cancelling the sentence of the first instance court and terminating the criminal proceedings because our client's actions did not constitute a criminal offence (article 24(1)(2) of the Criminal Procedure Code).

DETAILED ANALYSIS AND CLIENT-ORIENTED
CHAMBERS EUROPE



The team



Leonid Kravchinsky

Partner

l.kravchinsky@pgplaw.ru



Maxim Koshkin

Head of Practice

m.koshkin@pgplaw.ru

Leonid ensures the legal protection of, advice to and support for clients, including companies' officers and employees, before law enforcement authorities as part of operational and investigative activities, in pre-investigation audits, and during a preliminary investigation of economic criminal cases (in particular, tax crimes, hostile takeovers, fraud, illegal business activity). He also represents clients when courts of general jurisdiction consider criminal cases.

WHAT THEY SAY

The team is highly commended for its broad knowledge and experience as well as "attention to detail and provision of specific and detailed recommendations." (Chambers Europe).

Maxim has successfully represented and defended clients before law enforcement authorities during checks which were conducted as a part of investigations, audits of whether companies were complying with tax law, pre-investigation checks, during preliminary investigations when criminal cases were initiated, and when courts of general jurisdiction considered criminal cases. This also includes cases when legislation is applied concerning criminal liability being imposed in the area of economic activities. Maxim advises and provides legal protection to managers and founders as well as to employees of companies and organisations in respect of all issues relating to criminal prosecution. Maxim's professional interests also include financial, customs, administrative, commercial, civil and land law.

WHAT THEY SAY

"The lawyers give very pragmatic advice on local specifics".
(Chambers Europe).

The team



Sergey Taut

Expert

s.taut@pgplaw.ru

Sergey specialises in protection of entrepreneurs' rights from unlawful administrative and criminal prosecution applying public and state institutions for the protection of the businesspersons' rights.

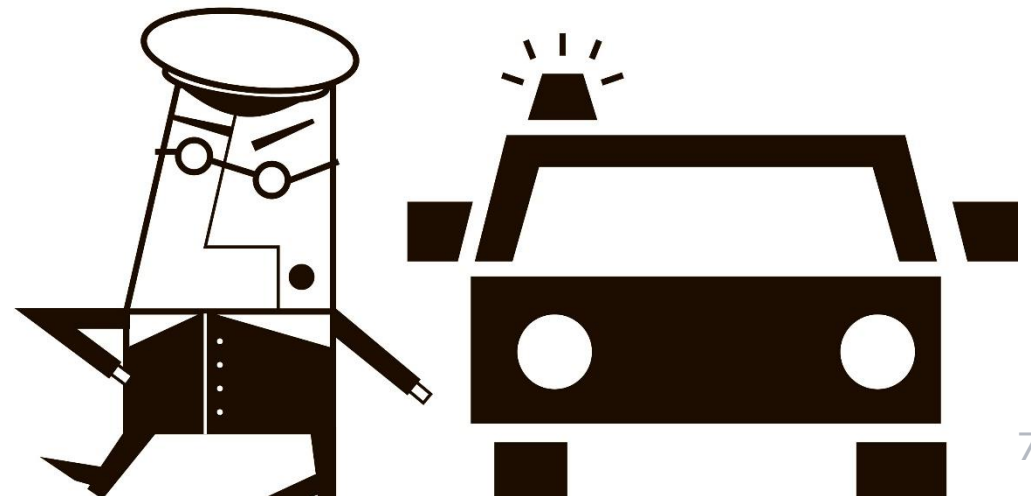
WHAT THEY SAY

Sergey has been awarded a certificate of honour from the Russian Presidential Business - Ombudsman For Contributing to the Development of Institutions for the Protection of Entrepreneurs' Rights; a certificate of honour of the Council of Europe Programme Office in Russia For a Personal Contribution.

Pepeliaev Group's Compliance Group has been included in Tier 1 of the Pravo-300 rating for 2021-2022.

THE TEAM IS PROACTIVE AND WAS ABLE TO ADDRESS THE PROBLEM WE HAD FROM A NEW ANGLE

CHAMBERS EUROPE



About the firm

A leading Russian law firm offering the full range of legal services.

Lawyers

160

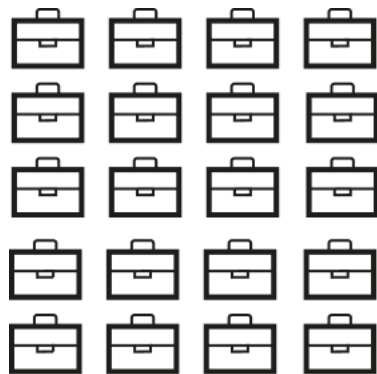


Our lawyers include 3 Doctors of Laws and 19 PhDs in Law.



Clients

2000



Office

8

Moscow
St Petersburg
Nizhnekamsk
Krasnoyarsk
Vladivostok
Beijing
Shanghai
Dubai

Ratings



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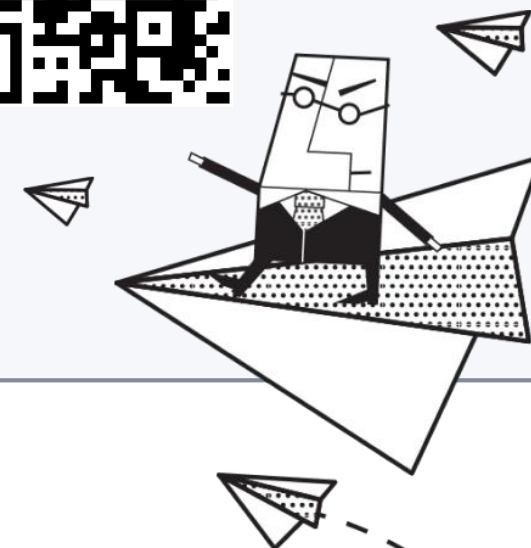
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News of the firm, themed overviews of legislation and administrative and judicial practice, and expert commentary



Services



Tax advice &
tax disputes



Administrative law
defence of business



Banking and
finance practice



Bankruptcy



Family and
inheritance law



Employment and
migration law



Customs law and
foreign trade
regulation



Currency regulation
and currency control



International litigation
and arbitration



Corporate law / M&A



Antitrust regulation



Dispute resolution
and mediation



Criminal law defence
of business



Legal protection
of information



Real estate & construction



Intellectual property
and trademarks



Environment



Telecommunications,
media and IT



Digital group



Life sciences

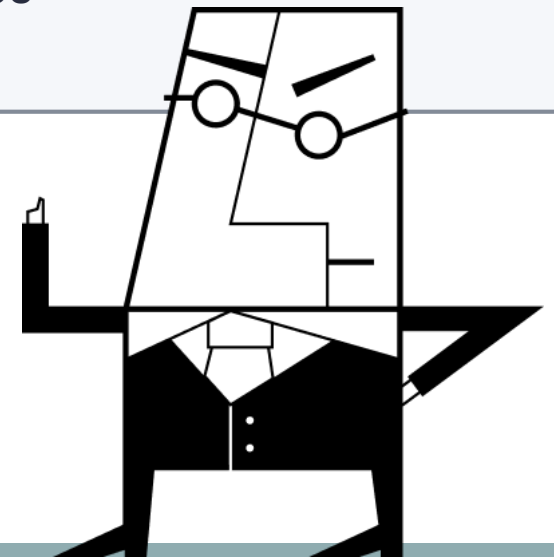
Pricing policy

In cases where we can determine, to a considerable degree, the proposed scope of the work from the client's request, we will always assess our fees **and agree the budget with you** for the work that will be performed.

We will embark on the matter only after we reach an agreement with you regarding our fees. If we cannot determine the total budget, our fees will be calculated based on the time actually spent by our specialists who are involved in a specific project and on their hourly rates. **These range between USD 60 and USD 660 per hour** (excluding VAT).

'HIGH PROFESSIONAL LEVEL, EXTENSIVE SPECIALISED KNOWLEDGE, AWARENESS OF CURRENT TRENDS AND TRENDS IN THE AREA OF STATE REGULATION, STRONG COMMUNICATION WITH CLIENTS AND REGULATORS.'

THE LEGAL 500



Geographical coverage

Chinese Desk

- Representative offices in Beijing and Shanghai.
- Support for Chinese investors in Russia and for Russian investors in China.
- We have strategic partners on the Chinese market.
- Comprehensive legal support.

Korean Desk

- Legal advice to Korean companies in Russia and to Russian investors in Korea.

Middle East Desk

- PG TAX Consultancy LLC provides services on tax structuring and tax consultancy in UAE and GCC.

