The Supreme Court Has Consolidated Case Law on Anti-Corruption Claims: New Risks for Businesses and Owners of Assets

FAO heads of legal departments, compliance departments and corporate security services

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Pepeliaev Group advises that on 1 July 2026 the Presidium of the Russian Supreme Court approved its Thematic Overview No. 14/2026 (the "Overview") on courts considering cases relating to how anti-corruption legislation is applied and to how property acquired as a result of violations of anti-corruption requirements and prohibitions is forfeited to the Russian Federation[1].

In the Overview, the Russian Supreme Court separately confirmed approaches that directly affect companies, their beneficial owners, nominee owners, affiliated entities, counterparties and purchasers of assets. The practical focus of the document is not so much on disciplinary liability of public officials as on the proprietary consequences of corruption violations: funds being recovered, assets being confiscated, joint and several liability, and enhanced scrutiny of the sources of the property's origin.

The key takeaway for business entities

A prosecutor's anti-corruption claim is becoming a tool for imposing proprietary consequences not only on a public official, but also on a private business where the factual circumstances establish that a company was involved in a "corruption scheme", that it received a benefit from such scheme, or that property connected with a violation of anti-corruption prohibitions was retained or transformed.

Approaches established by the Supreme Court

The Russian Supreme Court has formulated several positions that are particularly relevant to commercial organisations, their shareholders and beneficial owners:

- property acquired "through corrupt actions" or in breach of anti-corruption prohibitions is not regarded as a lawful object of civil transactions and is subject to being forfeited to the Russian Federation (i.e. to the state);

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[1] Thematic Overview No. 14/2026 of the Russian Supreme Court "On Courts Considering Cases Relating to how Anti-Corruption Legislation is Applied and Property Acquired as a Result of Violations of Requirements and Prohibitions Aimed at Preventing Corruption is Forfeited to the Russian Federation" (approved by Resolution No. 17A/2026 of the Presidium of the Russian Supreme Court dated 1 July 2026).

- civil liability may be imposed not only on persons holding significant positions of public office, but also on individuals and legal entities involved in a corruption offence;
- not only the original "corruptly obtained" assets, but also property, income and the monetary equivalent received as a result of the subsequent sale, use or transformation of such assets may be forfeited to the state;
- being affiliated, being under the control of a public official and coordinated actions of defendants may constitute grounds for joint and several recovery;
- prosecutors' claims for property to be forfeited to the state under article 235(2)(8) of the Russian Civil Code are not restricted by any limitation period;
- the defendant going bankrupt does not bring such claims within the scope of bankruptcy proceedings: the dispute is considered by a court of general jurisdiction outside the insolvency procedure.

Why this matters specifically for companies

The Overview enshrines a trend that has emerged in recent years: when considering prosecutors' claims for confiscation on anti-corruption grounds, courts assess not only the personal assets of an official or civil servant, but also the economic role of companies in creating, retaining and legitimising the "corrupt benefit" that was obtained. A company may become a defendant even where, formally, its shareholder (member) or beneficial owner is not a public official. Evidence that it was involved in obtaining or retaining a "benefit derived from a corruption offence" may be sufficient.

In one of the cases cited in the Overview, the court ordered that RUB 8.596 billion be jointly and severally recovered in favour of the Russian Federation from a public official and from companies affiliated with him. The courts stated that the companies, their nominee owners and executives had been "involved in corrupt activities", had derived an advantage from bad-faith conduct and had not taken measures to prevent corruption[2].

In another case involving a former federal minister and foreign companies, the court ordered that RUB 32.54 billion be jointly and severally recovered, referring to the actual ownership of the companies, the use of foreign financial instruments, trust arrangements, nominee management and coordinated actions when shares were sold[3].

Legal risks heightened by the Overview

- The risk of unlawfully obtained enrichment being recovered from a company where profits have been generated through corrupt access to state property, a contract, permit, sublease, infrastructure or another public resource.

[2] Clause 13 of the Overview.
[3] Clause 17 of the Overview.

- The risk of joint and several liability for a group of companies, nominee owners, foreign entities and actual controllers where there are indications of common coordination and control by a single public official.
- The risk that not only will the original "corruptly obtained" asset be confiscated, but so will be the entire subsequent economic result: the proceeds from its sale, income from using it, property acquired with those funds, and any increase in value.
- The risk of transactions being revalued at market value where the contract price is clearly understated or overstated and the court considers this to be a way to conceal the actual value of the property.
- The risk of critical scrutiny of intra-group, loan and "family" sources of financing: a formal loan agreement in itself does not prove that the origin of funds was lawful.
- The risk of claims being brought after a considerable period of time: no limitation period applies to prosecutors' anti-corruption claims for property to be recovered in favour of the state.
- The risk of disputed property being removed from a bankruptcy estate: the bankruptcy of an individual or of a participant in the scheme does not prevent an anti-corruption claim from being considered outside the bankruptcy proceedings.

What courts will focus on

In light of the Overview, the following circumstances may come under scrutiny:

- a business actually being controlled by a public official, including through relatives, trusted persons, nominee members, managers or foreign entities;
- coordinated actions of the parties to a transaction, the ownership chain and the asset subsequently being disposed of;
- the sources of financing being genuine in nature, source documents and banking records being available, and the lenders and investors having the economic ability to provide the funds;
- whether the transaction price reflects market value and whether the value has been artificially understated/overstated;
- whether the company has anti-corruption procedures, compliance checks for counterparties, procedures for recording conflicts of interest and responding to red flags that are identified;
- the disputed property being converted into other assets, including proceeds from selling it, rental income, dividends, commissions and other receipts.

What may serve as a defence

The Overview does not relieve the prosecutor of the obligation to prove legally relevant circumstances. In claims based on an official's expenditure not matching his or her income, it must be confirmed that the property belongs to the defendant, was acquired during the reporting period, and that the value of the property exceeds the aggregate income received over the preceding three years[4].

At the same time, the defendant may prove by any available means that the origin of the funds was lawful, including by referring to the fact that income was received outside the three-year period, if such income was actually used to acquire the disputed property. The Russian Supreme Court has also allowed income received by cohabiting family members to be taken into account where a common household and joint budget have been established.

The Russian Supreme Court separately stated that property acquired by a person, his or her spouse and minor children before the person took up office of public significance, as well as funds credited to their accounts before that date, cannot be forfeited to the Russian Federation under article 235(2)(8) of the Russian Civil Code[5].

Pepeliaev Group's Comment

The Clause demonstrates that anti-corruption claims are finally moving beyond the traditional "public official – unexplained assets" model. For businesses, the key issue is becoming not only who formally owns a "corruptly obtained" asset, but also how the asset was acquired, who actually controlled the transactions involving that asset, what benefit the company received and whether the company could have identified the corrupt element.

Transactions involving assets with a long history of civil transactions, businesses connected with former or current public officials, foreign holding structures, nominee owners, state or municipal property, as well as assets acquired through borrowed or intra-group financing without transparent sources of funds, are becoming particularly sensitive.

In practice, this means that standard legal due diligence of an asset is no longer sufficient. Separate anti-corruption and criminal law due diligence is required, covering sources of funds, the ownership chain, ultimate beneficial owners, links to public officials, the commercial rationale behind transactions and the quality of compliance procedures.

What to think about, what to do

K Companies operating in the Russian market should consider:

- reviewing procedures for checking counterparties, beneficial owners and key managers in terms of whether they are linked to public officials, their relatives and trusted persons;
- strengthening legal due diligence of M&A transactions (mergers / acquisitions): separately checking the history of how the asset was privatised/acquired,

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[4] Clause 19 of the Overview.
[5] Clauses 21 and 22 of the Overview.

sources of financing, whether the price is of market value, and whether intermediaries and nominee structures are involved;

- documenting the commercial justification for transactions, the price being of market level, services being genuine in nature, and payments, loans, commissions, bonuses and intra-group settlements having a business purpose;
- checking anti-corruption clauses in contracts, mechanisms for exiting transactions when a corruption risk is identified, and representations regarding assets and sources of financing having a lawful origin;
- ensuring that source documents and banking evidence relating to significant transactions are retained for a period exceeding standard tax and accounting retention periods, since there is no limitation period for bringing anti-corruption claims;
- conducting stress tests of assets and transactions connected with the public sector, state property, procurement, licences, subsidies, permits and interactions with regulators;
- introducing procedures for recording and documenting red flags: conflicts of interest, former civil servants participating in the business activities of a counterparty company, unusual pricing of assets, non-transparent loans, nominee owners, and offshore or foreign companies with no clear role.

Help from your adviser

Pepeliaev Group's lawyers are ready to analyse your company's activities and procedures in terms of the legal risks associated with anti-corruption claims, property being forfeited to the Russian Federation, and joint and several liability for companies, their shareholders and beneficial owners. In addition, they will identify risks and provide legal support in the company's interactions with law enforcement authorities and the public prosecutor's office.

We are also ready to conduct comprehensive due diligence of a business or asset that is being acquired, assess how robust the ownership chain and sources of financing are, prepare contractual protection mechanisms, and develop additional measures to protect the rights and legitimate interests of the company, its owners and managers.

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