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CLAIMS OF RESERVATION OF TITLE BY CREDITOR:

PROBLEMS OF CONDITIONAL TRANSACTIONS

Keywords: retaining title by creditor, clause of reservation of property right by the seller, conditional transaction, transaction made under condition suspensive.

Does the clause of reservation of title (retaining the right to property) by creditor turn the contract into transaction made under condition suspensive? What are the admissible interpretative limits of the condition content in the transaction? The author examines the relation between the concepts of due performance of obligations by the debtor and unfair contribution to happening of the condition and the connected enforcement issues.

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PROTECTION OF SHAREHOLDERS' RIGHTS IN CASE OF UNJUSTIFIED WRITING-DOWN OF SHARES:

ITS LEGAL ASPECTS

Keywords: shareholder, issuer, registrar, share register, remedies, civil liability.

The article is focused on the hot modern issue of determining the liable party for unjustified writing down of shares. The author critically examines the existing legal provision under which issuer and stock registrar become jointly and severally liable without fault. Non-commercial nature of the issuer activities connected with maintaining share register gives no rise to its legal liability in the above-mentioned circumstances.

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ON ISSUE OF LEGAL PERSONALITY OF JOINT-STOCK COMPANY GOVERNING BODIES

Keywords: governing body, representative, legal personality, human factor, corporate legal relationships.

Governing bodies of joint-stock company have unreasonably broad powers today. As a result their legal status is being re-estimated. Some experts treat a joint stock company exclusively through the functioning of its governing bodies thus in fact identifying it with them. Others attribute a separate legal status to the governing bodies of a joint-stock company. The consequences of the latter are discussed in the article.

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TURNOVER OF PRECIOUS METALS IN RUSSIA:

LEGISLATIVE RESTRICTIONS AND CONTRADICTIONS

Keywords: precious metals, metals account, specifically authorized banks, licensing of precious metals transactions, purchase of gold, currency valuables, accounting in Rosprobirnadzor agencies, taxation of precious metals transactions.

According to statistics the market of precious metals which is traditionally attractive in investment terms was booming in Russia in 2008—2009. Banks reported the record demand for precious metals by retail clients. It is no wonder that the market of precious metals has become quite attractive to foreign investors too. However there are serious legislative entry barriers for foreign businesses to this sector of banking services. The article deals with legal regulation of precious metals turnover (especially in bullions) in Russia and legislative restrictions which provide for retaining bullion reserve within the boundaries of Russia as well as preventing foreign players from entering the Russian market of precious metals.

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THE FEDERAL LAW "ON FUNDAMENTAL PRINCIPLES OF TOURISM INDUSTRY IN THE RUSSIAN FEDERATION": TERMINOLOGICAL PROBLEMS

Keywords: tourism, terminology, legislative technique, sojourn, movement.

Certainty, clarity, unambiguous meaning of legal rules can be secured only when there is uniformity in their understanding and interpretation by those who apply them. The Federal law "On fundamental principles of tourism industry in the Russian Federation" has caused lots of controversies arising from different interpretations of such terms as "tourism", "tourist product", "tour". The author examines a combination of qualities and features which enable to identify tourism as a legal concept.

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THE POWERS OF THE BODIES OF CONSTITUTIONAL CONTROL IN TERMS OF "AMERICAN" AND "EUROPEAN" SYSTEMS OF CONSTITUTIONAL JUSTICE: SPECIFIC FEATURES OF THEIR REALIZATION

Keywords: constitutional control, constitutional justice, "European" system of constitutional control, "American" system of constitutional control, legal status, authority.

The institution of judicial review was set up in the USA. It was still unknown to Europe in the early 20-th century. Nowadays it has acquired universal nature and has been recognized by most existing constitutions as an integral institution of the rule-governed state. What are the major features of judicial control in foreign jurisdictions? What principal distinctions are there between "American" and "European" systems of constitutional control and justice? What status and authorities do the bodies of constitutional control have within the framework of "American" and "European" systems of constitutional justice?

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DRAFT COMMON FRAME OF REFERENCE IN TERMS OF EUROPEAN PRIVATE LAW DEVELOPMENT

Keywords: european private law, common frame of reference, background history, comparative analysis, EU Civil Code, principles of European contract law, UNIDROIT principles.

The author describes the historical background of the published complete draft of common frame of reference of European private law, provides a short outline of its content and explains its application perspectives. The present draft which is designed by the leading European lawyers at European Commission instigation is compared with the Principles of the European contract law and UNIDROIT principles. According to the author this document will have the long-lasting effect on EU legislation and legislation of its member states, usual and customary business practices both inside the European Union and in relationships with outsiders.

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LEASE CONTRACT OF ENTERPRISE UNDER GERMAN LAW

Keywords: civil law, enterprise, lease contract of enterprise, the law of Germany, German Civil Code, German Commercial Code.

The author continues to discuss the regulation of transactions involving enterprise as a property complex in German law. The article deals with lease contracts of enterprise as the most common temporary transfer of property and one of the most important contracts in German business practice.

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THE ROLE OF THE GENERAL MEETING OF SHAREHOLDERS IN GOVERNING A JOINT-STOCK COMPANY IN RUSSIA AND IN A BUSINESS CORPORATION IN THE USA

Keywords: business corporation, joint-stock company, legal entity, property severalty, legal personality, centralized authority, limited shareholders' liability, pooling of interests, deriving of profit, share.

The borrowing of such corporate institutions as shareholders' agreement which were previously unknown in Russia has diminished the role of the official central governing body in a joint stock company — general meeting of shareholders. The role of the general meeting in Russian and American company law is compared. The American shareholders' agreement is studied in terms of its construction as an instrument increasing the influence of shareholders on the running of a business corporation.

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LEGAL EDUCATION AND JURISPRUDENCE IN RUSSIA IN THE 1860S—1870S. ARTICLE 3.

Keywords: history of the Russian jurisprudence, the draft of the University Charter of 1863, the law school curriculum.

The article is concerned with the preparation of university reform in Russia in the early 1860-s, which also included the reform of legal education. The making of a new Common Charter of Russian universities is described which determined the nature of university education in general and of legal education in particular as well as law school curricula in Russian universities.