
SHORT NEWS

BEITEN BURKHARDT organized a business breakfast jointly with German Centre Moscow on the topic "Most pressing legal issues on the lease of real estate"

Moscow, 6 February 2020 – A business breakfast was held in German Centre in Moscow on 6 February 2020, where **Oleg Ljaljutski** and **Ekaterina Sidenko** from BEITEN BURKHARDT spoke for 30 participants on the topic "Most pressing legal issues on the lease of real estate".

The speakers focused on the following relevant issues:

1. Negotiations on the conclusion of a lease agreement (Article 434.1 of the Civil Code of the Russian Federation). How is practice evolving in this area?
 - 1.1. How it all started. The Auchan-Dekort, Orion-Tander cases, non-binding - Prokoptsov-Terentiev case.
 - 1.2. What is new? The Irian-H&M case.
 - 1.3. Recommendations on how to conduct negotiations to conclude a lease agreement.
2. Lease fee in a foreign currency.
 - 2.1. Development of court practice. What has changed since the VimpelCom-Tizpribor and Svyaznoy-Sklady 104 cases?
 - 2.2. How do you protect your interests when concluding a lease agreement for real estate with a foreign currency clause favouring the tenant, or the landlord?
3. Defects in the leased property?
 - 3.1. Legal grounds under Articles 612 and 614 of the Civil Code of the Russian Federation.
 - 3.2. Specific aspects governing the right of the tenant to eliminate the defects using its own resources and the right to a decrease in the lease fee.
4. Build-to-suit format in lease relations.

Substance of the format: obligation of the future tenant to pay for the work, including the construction of or modifications to a built property, and also the conclusion of the lease agreement. Legal issues:

- 4.1. Form of implementation of the built-to-suit concept;
- 4.2. Assignment of liability for the quality of the property: lease or contracting agreement?

The event was followed by a lively discussion, with the speakers answering questions of interest to the guests.

