



Strasbourg, 23 May 2016

CDL-REF(2016)037
Engl.Only

Opinion no. 814 / 2015

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

RUSSIAN FEDERATION

FEDERAL LAW NO. 129-FZ

**ON AMENDING CERTAIN LEGISLATIVE ACTS
OF THE RUSSIAN FEDERATION**

**(FEDERAL LAW ON UNDESIRABLE ACTIVITIES OF FOREIGN AND
INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS)**

Russian Federation
Federal Law No. 129-FZ
On Amending Certain Legislative Acts of the Russian Federation

Adopted by the State Duma
Approved by the Council of the Federation

19 May 2015
20 May 2015

Article 1

To amend Chapter 29 of the Criminal Code of the Russian Federation (Collection of the Legislation of the Russian Federation, 1996, # 25, art. 2954; 1998, # 26, art. 3012; 2002, # 30, art. 3029; 2003, # 50, art. 4848; 2004, # 30, art. 3091; 2006, # 31, art. 3452; 2007, # 31, art. 4008; 2009, # 1, art. 29; # 52, art. 6453; 2010, # 31, art. 4164; 2011, # 30, art. 4598; # 50, art. 7362; 2012, # 47, art. 6401; 2013, # 44, art. 5641; # 52, art. 6998; 2014, # 6, art. 556; # 19, art. 2335; # 26, art. 3385; # 30, art. 4275) by adding Article 284¹ as follows:

“Article 284¹. The Implementation of Activity on the Territory of the Russian Federation by a Foreign and International Nongovernmental Organization in Respect of Which the Decision Has Been Made to Deem Its Activity Undesirable on the Territory of the Russian Federation

The directing of activities on the territory of the Russian Federation of a foreign or international nongovernmental organization, in respect of which the decision on the undesirability of its activities on the territory of the Russian Federation in accordance with the legislation of the Russian Federation has been made, or participation in such activity, by a person who has been subject to administrative responsibility for committing an analogous administrative offense two times within one year, -

- shall be punishable with a fine from three hundred thousand to five hundred thousand rubles or in the amount of the salary or other income of the offender for a period from two to three years, or by compulsory work for up to three hundred and sixty hours, or by forced labor for up to five years with or without restriction of liberty for up to two years, or by deprivation of liberty from two to six years with or without deprivation of the right to occupy certain positions or engage in certain activities for up to ten years.

Note:

A person who has voluntarily terminated his or her participation in the activity of the foreign or international nongovernmental organization, in respect of which the decision on the undesirability of its activities on the territory of the Russian Federation has been made, shall be exempted from criminal liability, unless his or her actions contain a different corpus delicti.

Article 2

To amend Article 26 of Federal Law # 114-FZ “On the Procedure of Exit from the Russian Federation and Entry into the Russian Federation” of August 15, 1996 (Collection of the Legislation of the Russian Federation, 1996, # 34, art. 4029; 2003, # 2, art. 159; 2007, # 1, art. 29; 2008, # 19, art. 2094; 2011, # 1, art. 29; 2012, # 53, art. 7646; 2013, # 30, art. 4040, 4057) by adding subparagraph 9 as follows:

“9) participates in the activities of a foreign or international nongovernmental organization, in respect of which the decision on the undesirability of its activities on the territory of the Russian Federation has been made.”

Article 3

To amend Article 151 of the Criminal Procedure Code of the Russian Federation (Collection of the Legislation of the Russian Federation, 2001, # 52, art. 4921; 2002, # 22, art. 2027; # 30, art. 3020, 3029; # 44, art. 4298; 2003, # 27, art. 2700, 2706; # 50, art. 4847; 2004, # 27, art. 2711; 2005, # 1, art. 13; 2006, # 28, art. 2975, 2976; # 31, art. 3452; 2007, # 1, art. 46; # 24, art. 2830, 2833; # 49, art. 6033; # 50, art. 6248; 2009, # 11, art. 1267; # 44, art. 5170; 2010, # 1, art. 4; # 15, art. 1756; # 21, art. 2525; # 27, art. 3431; # 31, art. 4164, 4193; # 49, art. 6412; 2011, # 1, art. 16; # 23, art. 3259; # 30, art. 4598, 4605; # 45, art. 6334; # 50, art. 7361, 7362; 2012, # 10, art. 1162, 1166; # 30, art. 4172; # 31, art. 4330, 4331; # 47, art. 6401; # 49, art. 6752; # 53, art. 7637; 2013, # 26, art. 3207; # 27, art. 3442, 3478; # 30, art. 4078; # 44, art. 5641; # 51, art. 6685; # 52, art. 6945; 2014, # 19, art. 2303, 2310, 2333; # 23, art. 2927; # 26, art. 3385; # 30, art. 4219, 4259, 4278; # 48, art. 6651; 2015, # 1, art. 83, 85; # 6, art. 885) as follows:

- 1) to add the numbers “284¹,” in subparagraph “a” of paragraph 1, part 2, after the numbers “2823,”;
- 2) to add the numbers “284¹,” in part 5 after the numbers “282³”.

Article 4

To amend the Code of the Russian Federation on Administrative Offenses (Collection of the Legislation of the Russian Federation, 2002, # 1, art. 1; # 30, art. 3029; # 44, art. 4295; 2003, # 27, art. 2700, 2708, 2717; # 46, art. 4434; # 50, art. 4847, 4855; 2004, # 31, art. 3229; # 34, art. 3529, 3533; # 44, art. 4266; 2005, # 1, art. 9, 13, 40, 45; # 10, art. 763; # 13, art. 1075, 1077; # 19, art. 1752; # 27, art. 2719, 2721; # 30, art. 3104, 3131; # 50, art. 5247; # 52, art. 5574; 2006, # 1, art. 4, 10; # 2, art. 172; # 6, art. 636; # 10, art. 1067; # 12, art. 1234; # 17, art. 1776; # 18, art. 1907; # 19, art. 2066; # 23, art. 2380; # 31, art. 3420, 3438, 3452; # 45, art. 4641; # 50, art. 5279, 5281; # 52, art. 5498; 2007, # 1, art. 21, 29; # 16, art. 1825; # 21, art. 2456; # 26, art. 3089; # 30, art. 3755; # 31, art. 4007, 4008; # 41, art. 4845; # 43, art. 5084; # 46, art. 5553; 2008, # 10, art. 896; # 18, art. 1941; # 20, art. 2251, 2259; # 30, art. 3604; # 49, art. 5745; # 52, art. 6227, 6235, 6236; 2009, # 7, art. 777; # 23, art. 2759; # 26, art. 3120, 3122; # 29, art. 3597, 3642; # 30, art. 3739; # 45, art. 5265; # 48, art. 5711, 5724; # 52, art. 6412; 2010, # 1, art. 1; # 19, art. 2291; # 21, art. 2525; # 23, art. 2790; # 27, art. 3416; # 30, art. 4002, 4006, 4007; # 31, art. 4158, 4164, 4193, 4195, 4206, 4207, 4208; # 41, art. 5192; # 49, art. 6409; 2011, # 1, art. 10, 23, 54; # 7, art. 901; # 15, art. 2039; # 17, art. 2310; # 19, art. 2714, 2715; # 23, art. 3260; # 27, art. 3873; # 29, art. 4290, 4298; # 30, art. 4573, 4574, 4585, 4590, 4598, 4600, 4601, 4605; # 45, art. 6325; # 46, art. 6406; # 47, art. 6602; # 48, art. 6728; # 49, art. 7025, 7061; # 50, art. 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, # 6, art. 621; # 10, art. 1166; # 19, art. 2278, 2281; # 24, art. 3069, 3082; # 29, art. 3996; # 31, art. 4320, 4330; # 47, art. 6402, 6403, 6404, 6405; # 49, art. 6757; # 53, art. 7577, 7580, 7602, 7640; 2013, # 14, art. 1651, 1657, 1666; # 17, art. 2029; # 19, art. 2323, 2325; # 26, art. 3207, 3208, 3209; # 27, art. 3454, 3469, 3470, 3477; # 30, art. 4025, 4029, 4030, 4031, 4032, 4034, 4036, 4040, 4044, 4078, 4082; # 31, art. 4191; # 43, art. 5443, 5444, 5445, 5452; # 44, art. 5624, 5643; # 48, art. 6161, 6163, 6165; # 49, art. 6327, 6341, 6343; # 51, art. 6683, 6685, 6695, 6696; # 52, art. 6948, 6961, 6980, 6986, 6994, 7002; 2014, # 6, art. 557, 559, 566; # 11, art. 1092, 1096; # 14, art. 1562; # 19, art. 2302, 2306, 2310, 2317, 2324, 2325, 2326, 2327, 2330, 2335; # 26, art. 3366, 3379; # 30, art. 4211, 4214, 4218, 4228, 4248, 4256, 4259, 4264, 4278; # 42, art. 5615; # 43, art. 5799; # 45, art. 6142; # 48, art. 6636, 6638, 6642, 6643, 6651; # 52, art. 7541, 7548, 7550, 7557; 2015, # 1, art. 29, 35, 67, 74, 83, 85; # 6, art. 885; # 10, art. 1405, 1416; # 13, art. 1805, 1811; Rossiyskaya gazeta, 2015, May 6) as follows:

CDL-REF(2016)037

1) to substitute the words “Articles 18.20, 20.33” for the words “and Article 18.20” in paragraph 1 of part 1 of Article 3.5;

2) to add Article 20.33 to Chapter 20 as follows:

“Article 20.33. The Implementation of Activity on the Territory of the Russian Federation by a Foreign and International Nongovernmental Organization in Respect of Which the Decision Has Been Made to Deem Its Activity Undesirable on the Territory of the Russian Federation

The activity on the territory of the Russian Federation by a foreign and international nongovernmental organization in respect of which the decision to deem its activity undesirable on the territory of the Russian Federation has been made, or participation in such activity, or the violation of prohibitions provided for by the Federal Law # 272-FZ On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation of December 28, 2012, if such actions do not contain a penal act,-

- shall entail the imposition of an administrative fine on citizens in amount of five to fifteen thousand rubles; on officials, in amount of twenty thousand to fifty thousand rubles; and on legal entities, in amount of fifty thousand to one hundred thousand rubles.”;

3) in part 1 of Article 23.1, to substitute the numbers “20.33” for “20.32.”;

4) in paragraph 4 of part 2 of Article 28.3, to add the words “, Article 20.33;” after the words “part 1 of Article 19.34.”

Article 5

To introduce in Federal Law # 272-FZ On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation of December 28, 2012 (Collection of the Legislation of the Russian Federation, 2012, # 53, art. 7597) the following changes:

1) to formulate the first phrase of part 3 of Article 3 as follows: “In the event that the activity of a not-for-profit organization (structural unit) is suspended under parts 1 and 2 of this Article, its rights as founder of a mass media organ shall be suspended and it shall be prohibited from organizing and conducting any mass actions and public events and taking part in them, as well as using any bank accounts and deposits for purposes other than settling for business operations and work contracts, compensating for losses caused by its actions, and paying taxes, duties, and fines.”;

2) to add Article 3¹ as follows:

“Article 3¹

1. The activities of a foreign or international nongovernmental organization that threaten the foundation of the constitutional order of the Russian Federation, the country’s defense capability, or the security of the state, may be deemed undesirable on the territory of the Russian Federation.

2. The activities of a foreign or international nongovernmental organization shall be recognized as undesirable on the territory of the Russian Federation from the date of publication of information about it in the manner prescribed by this Article.

3. The recognition of the activities of a foreign or international nongovernmental organization as undesirable on the territory of the Russian Federation entails:

CDL-REF(2016)037

- 1) Prohibition of the establishment (opening) on the territory of the Russian Federation of structural units of a foreign or international nongovernmental organization and termination, in the order determined by the legislation of the Russian Federation, of the activities of structural units previously created (opened) on the territory of the Russian Federation;
 - 2) The occurrence of consequences provided for in Article 32 of this Federal Law;
 - 3) Prohibition to distribute information materials issued by a foreign or international nongovernmental organization, and/or disseminated thereby, including through the media and/or with the use of the Internet information and telecommunication network, as well as to produce or store them for purposes of distribution;
 - 4) Prohibition for a foreign or international nongovernmental organization whose activities are recognized as undesirable on the territory of the Russian Federation to implement programs (projects) on the territory of the Russian Federation.
4. The decision to recognize the activities of a foreign or international nongovernmental organization as undesirable on the territory of the Russian Federation shall be made by the General Prosecutor of the Russian Federation or his deputies in coordination with the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of international relations of the Russian Federation.
5. The decision to recognize the activities of a foreign or international nongovernmental organization as undesirable on the territory of the Russian Federation may be repealed by the General Prosecutor of the Russian Federation or his deputies in coordination with the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of international relations of the Russian Federation.
6. In the event that it adopts or repeals any such decision, the Office of the General Prosecutor of the Russian Federation shall inform the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of registration of not-for-profit organizations, so that the latter may enter the foreign or international nongovernmental organization on the List of foreign and international nongovernmental organizations whose activities in the territory of the Russian Federation are recognized undesirable or exclude a foreign or international nongovernmental organization from the said List.
7. The information about the recognition of the activities of a foreign or international nongovernmental organization as undesirable on the territory of the Russian Federation shall be made public placing the List of foreign and international nongovernmental organizations whose activities in the territory of the Russian Federation are recognized undesirable, in the Internet information and telecommunication network on the official website of the federal executive power body exercising functions on the development and implementation of state policy and normative legal regulation in the sphere of registration of not-for-profit organizations, and publishing the List in the nationwide Russian periodical determined by the Government of the Russian Federation.
8. The procedure for maintaining the List of foreign and international nongovernmental organizations whose activities on the territory of the Russian Federation are recognized undesirable and including or excluding foreign and international nongovernmental organizations on or from that List is determined by the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of registration of not-for-profit organizations.";

CDL-REF(2016)037

3) to add a new article 3² as follows:

“Article 3²

1. All credit and non-credit financial organizations shall refuse to carry out operations with funds and other property one of the parties to which is a foreign or international nongovernmental organization included on List of foreign and international nongovernmental organizations whose activities in the territory of the Russian Federation are recognized undesirable.
2. Credit and non-credit financial organizations shall provide information about the refusal to carry out operations with funds and other property for reasons provided for in part 1 of this Article to the federal executive power body taking measures to counteract the legalization (laundering) of revenue obtained by criminal means and the funding of terrorism, in accordance with the procedure, deadlines and extent established by the Government of the Russian Federation.
3. The federal executive power body taking measures to counteract the legalization (laundering) of revenue obtained by criminal means and the funding of terrorism shall submit the information received under part 2 of this Article to the Office of the General Prosecutor of the Russian Federation as well as the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of registration of not-for-profit organizations.”.

V. Putin

**President of the Russian Federation
Moscow, Kremlin, 23 May 2015**

No. 129-FZ