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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

RUSSIAN FEDERATION

FEDERAL LAW¹

**AMENDING THE RUSSIAN FEDERATION CODE
OF ADMINISTRATIVE INFRINGEMENTS
AS REGARDS SPECIFYING LIABILITY
FOR BREACHES OF THE PROCEDURE
GOVERNING THE ACTIVITIES OF PERSONS
PERFORMING THE FUNCTIONS OF A FOREIGN AGENT"
(No. 1060950-7)**

¹ *Unofficial translation*

No. 1060950-7

FEDERAL LAW

"Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent"

Article 1

The following amendments shall be made to the Russian Federation Code of Administrative Infringements (Compendium of legislation of the Russian Federation, 2002, no. 1, art. 1):

1) in the first indent of paragraph 1 of Article 3.5, after the words "by paragraph 6.4 of Article 15.25," insert the words "by paragraph 1 of Article 19.7⁵⁻³," after the words "by paragraph 4 of Article 17.15," insert the words "by paragraph 2 of Article 19.7⁵⁻⁴," after the words "by paragraph 26 of Article 19.5," insert the words "by paragraph 1 of Article 19.7⁵⁻⁴," after the words "of Article 14.35, by paragraph 1 of Article 15.46" insert the words "by paragraph 2 of Article 19.7⁵⁻³," after the words "of Article 15.45, by paragraph 6 of Article 19.4" insert the words ", by paragraph 2 of Article 19.7⁵⁻³";

2) supplement Article 13.15 with paragraphs 2.1, 2.2 and 2.3 worded as follows:

"2.1. The dissemination of information on a non-profit organisation entered in the register of non-profit organisations performing the functions of a foreign agent (with the exception of information logged in unified state registers and state information systems provided for in the legislation of the Russian Federation) and also material produced by such non-profit organisations with no reference to the fact that the non-profit organisation is a non-profit organisation performing the functions of a foreign agent, - shall be punishable by an administrative fine, in the case of citizens, of between two thousand and two thousand five hundred roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of officials, of between four thousand and five thousand roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of legal entities, of between forty thousand and fifty thousand roubles, with confiscation of the material at the source of the administrative infringement or without.

2.2. The dissemination of information on a public association entered in the inventory of unregistered public associations performing the functions of a foreign agent (with the exception of information logged in unified state registers and state information systems provided for in the legislation of the Russian Federation) and also material produced by such associations with no reference to the fact that the association concerned is an unregistered public association performing the functions of a foreign agent, - shall be punishable by an administrative fine, in the case of citizens, of between two thousand and two thousand five hundred roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of officials, of between four thousand and five thousand roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of legal entities, of between forty thousand and fifty thousand roubles, with confiscation of the material at the source of the administrative infringement or without.

2.3. The dissemination of information on a physical individual entered in the list of physical individuals performing the functions of a foreign agent (with the exception of information logged in unified state registers and state information systems provided for in the legislation of the Russian Federation) and also material produced by such individuals with no reference to the fact that the individual concerned is a physical individual performing the functions of a foreign agent, - shall be punishable by an administrative fine, in the case of citizens, of between two thousand and two thousand five hundred roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of officials, of between four thousand and five thousand roubles, with confiscation of the material at the source of the administrative infringement

or without; in the case of legal entities, of between forty thousand and fifty thousand roubles, with confiscation of the material at the source of the administrative infringement or without."

3) in the first indent of Article 19.7, after the digits "19.7⁵⁻²," insert the words "by paragraph 1 of Article 19.7⁵⁻³, by paragraph 1 of Article 19.7⁵⁻⁴, by Articles";

4) supplement Chapter 19 with Articles 19.7⁵⁻³ and 19.7⁵⁻⁴ worded as follows:

Article 19.7⁵⁻³. Breach of the procedure governing the activities of public associations operating without having acquired the rights of a legal entity

1. The failure by a public association operating without having acquired the rights of a legal entity, receiving foreign funding and participating in political activities on the territory of the Russian Federation, to submit or to submit on time to the authorised body the information which it is required to submit by law and which is necessary for the authorised body to exercise its lawful activity, or the submitting of incomplete or falsely reported information in this respect to the authorised body, where such acts/failure to act entail no criminally liable action, - shall incur a statutory warning or be punishable by an administrative fine, in the case of citizens, of between five thousand and ten thousand roubles; in the case of officials, of between ten thousand and thirty thousand roubles.

2. The production and/or dissemination of material by a public association entered in the inventory of unregistered public associations performing the functions of a foreign agent, and also the sending of such material by such a public association to state authorities, local self-government authorities and other organisations with no reference to the fact that this material/information has been produced, disseminated and/or sent by an unregistered public association performing the functions of a foreign agent, - shall be punishable by an administrative fine, in the case of citizens, of between fifty thousand and one hundred thousand roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of officials, of between one hundred thousand and three hundred thousand roubles, with confiscation of the material at the source of the administrative infringement or without.

3. The production and/or dissemination of material by a founder, member, participant or leader of a public association entered in the inventory of unregistered public associations performing the functions of a foreign agent or a person who is a member of an organ of such a public association, when carrying out political activities, including via the mass media and/or the Internet network and also the sending by those individuals of material linked to their carrying out of political activities to state authorities, local self-government authorities and other organisations with no reference to the fact that this material has been produced, disseminated and/or sent by a founder, member, participant or leader of an unregistered public association performing the functions of a foreign agent or a person who is a member of an organ of such a public association, -

shall be punishable by an administrative fine, in the case of citizens, of five thousand roubles, with confiscation of the material at the source of the administrative infringement or without.";

Note: persons exercising organisational/managerial or administrative/business functions in a public association operating without having acquired the rights of a legal entity who have committed the administrative infringements provided for in the present article shall bear administrative liability as officials.

Article 19.7⁵⁻⁴. Breach of obligations by physical individuals performing the functions of a foreign agent

1. The failure by a physical individual performing the functions of a foreign agent to submit or to submit on time to the authorised body the information which they are required to submit by law and which is necessary for the authorised body to exercise its lawful activity, or the submitting of incomplete or falsely reported information in this respect to the authorised body, except in the

cases provided for in Article 19.34¹ of the present Code, where such acts/failure to act entail no criminally liable action, - shall incur a statutory warning or be punishable by an administrative fine, in the case of citizens, of between thirty thousand and fifty thousand roubles.

2. Failure by a physical individual performing the functions of a foreign agent to fulfil the obligation to indicate that status in the cases provided for in Russian Federation legislation, - shall be punishable by an administrative fine, in the case of citizens, of between ten thousand and thirty thousand roubles, with confiscation of the material at the source of the administrative infringement or without.";

5) in Article 19.34:

a) [*"a" in the original Cyrillic text*] reword paragraph 2 as follows:

"2. The production and/or dissemination of material by a non-profit organisation entered in the registry of non-profit organisations performing the functions of a foreign agent, including via the mass media and/or the Internet network and also the sending of such material by such an organisation to state authorities, local self-government authorities and other organisations with no reference to the fact that this material/information has been produced, disseminated and/or sent by a non-profit organisation performing the functions of a foreign agent, - shall be punishable by an administrative fine, in the case of officials, of between one hundred thousand and three hundred thousand roubles, with confiscation of the material at the source of the administrative infringement or without; in the case of legal entities, of between three hundred thousand and five hundred thousand roubles, with confiscation of the material at the source of the administrative infringement or without.";

b) [*"б" in the original Cyrillic text*] add a paragraph 3 worded as follows:

"3. The production and/or dissemination of material by a founder, member, participant, leader or staff member of a non-profit organisation entered in the registry of non-profit organisations performing the functions of a foreign agent or a person who is a member of an organ of such a non-profit organisation, when carrying out political activities, including via the mass media and/or the Internet network and also the sending by those individuals of material linked to their carrying out of political activities to state authorities, local self-government authorities and other organisations with no reference to the fact that this material has been produced, disseminated and/or sent by a founder, member, participant, leader or staff member of a non-profit organisation performing the functions of a foreign agent or a person who is a member of an organ of such a non-profit organisation, - shall be punishable by an administrative fine, in the case of citizens, of five thousand roubles, with confiscation of the material at the source of the administrative infringement or without.";

6) reword the second indent of paragraph 3 of Article 19.34¹ as follows:

"shall be punishable by an administrative fine, in the case of legal entities of five million roubles."

7) in paragraph 1 of Article 23.1, replace the words "by Article 19.7⁵⁻², by Article" with the words "by Articles 19.7⁵⁻², 19.7⁵⁻³, 19.7⁵⁻⁴,";

8) in paragraph 2 of Article 28..3:

a) [*"a" in the original Cyrillic text*] in sub-paragraph 1, after the digits "19.7," add the digits "19.7⁵⁻⁴,";

b) [*"б" in the original Cyrillic text*] in sub-paragraph 4, after the digits "19.7⁵⁻²," add the digits "19.7⁵⁻³, 19.7⁵⁻⁴,";

c) [*"е" in the original Cyrillic text*] in sub-paragraph 58, after the digits "19.7⁵⁻²", add the words "by paragraphs 2 and 3 of Article 19.7⁵⁻³, by paragraphs 2 and 3 of Article 19.7⁵⁻⁴, by Articles".

President
of the Russian Federation
[signatures]

EXPLANATORY MEMORANDUM
to the draft Federal Law "Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent"

The bill tabled has been drawn up in connection with the draft Federal Law "Amending individual legislative acts of the Russian Federation as regards establishing additional measures to counteract threats to national security", which establishes a number of new obligations of non-profit organisations, unregistered public associations and physical individuals with regard to their receipt of foreign funding and participation in political activities on the territory of the Russian Federation and also specifies the rules for clarification of information on their activities in the mass media.

For the purpose of ensuring the implementation of those provisions, the draft law introduces new constituent elements of infringements in the Russian Federation Code of Administrative Infringements, providing for liability for the dissemination in the mass media of information on non-profit organisations, unregistered public associations and physical individuals entered in the corresponding registers or inventories as well as the dissemination of material published by them with no reference to the fact they are performing the functions of a foreign agent.

Chapter 19 of the Russian Federation Code of Administrative Infringements is supplemented by articles establishing liability for breaches of the procedure governing the activities of unregistered public associations receiving foreign funding and participating in political activities on the territory of the Russian Federation (Article 19.7⁵⁻³ of the Russian Federation Code of Administrative Infringements) and for the failure by physical individuals performing the functions of a foreign agent to fulfil their obligations (Article 19.7⁵⁻⁴ of the Russian Federation Code of Administrative Infringements).

Powers are given to judges for the examination of cases involving those administrative infringements and to officials of authorities responsible for the inspection/supervision of the activities of non-profit organisations, officials of internal affairs authorities (under the planned Article 19.7⁵⁻⁴ of the Russian Federation Code of Administrative Infringements) and officials of authorities responsible for carrying out inspection/supervision in the sphere of communications, information technologies and mass communications for the drawing up of reports on them (under the planned paragraphs 2 and 3 of Article 19.7⁵⁻³ and paragraphs 2 and 3 of Article 19.7⁵⁻⁴ of the Russian Federation Code of Administrative Infringements)

[signatures]

FINANCIAL AND ECONOMIC JUSTIFICATION
FOR THE DRAFT FEDERAL LAW "AMENDING THE RUSSIAN FEDERATION CODE OF ADMINISTRATIVE INFRINGEMENTS AS REGARDS SPECIFYING LIABILITY FOR BREACHES OF THE PROCEDURE GOVERNING THE ACTIVITIES OF PERSONS PERFORMING THE FUNCTIONS OF A FOREIGN AGENT"

The adoption of the Federal Law "Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent" will not require any additional expenditure from the federal budget.

[signatures]

LIST OF FEDERAL LAWS THAT WILL HAVE TO BE DECLARED VOID, SUSPENDED, AMENDED OR ADOPTED IN CONNECTION WITH THE DRAFT FEDERAL LAW "AMENDING THE RUSSIAN FEDERATION CODE OF ADMINISTRATIVE INFRINGEMENTS AS REGARDS SPECIFYING LIABILITY FOR BREACHES OF THE PROCEDURE GOVERNING THE ACTIVITIES OF PERSONS PERFORMING THE FUNCTIONS OF A FOREIGN AGENT"

The adoption of the Federal Law "Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent" will not require any federal legislative acts to be adopted, amended, suspended or declared void.

[signatures]

LIST OF LEGAL AND REGULATORY ACTS OF THE RUSSIAN FEDERATION PRESIDENT, THE RUSSIAN FEDERATION GOVERNMENT AND FEDERAL EXECUTIVE AUTHORITIES THAT WILL HAVE TO BE DECLARED VOID, SUSPENDED, AMENDED OR ADOPTED IN CONNECTION WITH THE DRAFT FEDERAL LAW "AMENDING THE RUSSIAN FEDERATION CODE OF ADMINISTRATIVE INFRINGEMENTS AS REGARDS SPECIFYING LIABILITY FOR BREACHES OF THE PROCEDURE GOVERNING THE ACTIVITIES OF PERSONS PERFORMING THE FUNCTIONS OF A FOREIGN AGENT"

The adoption of the Federal Law "Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent" will not require any acts of the Russian Federation President, the Russian Federation Government or federal executive authorities to be declared void, suspended, amended or adopted.

[signatures]

Letter from the Deputy Prime Minister of the Russian Federation Government, D. Grigorenko, to State Duma deputy V.I. Piskarev

23 November 2020

no. 10899p-P14

In reply to no. PVI-2/117 of 17 November 2020

OFFICIAL RESPONSE
of the Russian Federation Government to the draft Federal Law "Amending the Russian Federation Code of Administrative Infringements as regards specifying liability for breaches of the procedure governing the activities of persons performing the functions of a foreign agent"

The bill tabled has been examined by the Russian Federation Government.

The bill proposes to amend a number of articles of the Russian Federation Code of Administrative Infringements (hereinafter "the Code"), establishing new obligations for non-profit organisations, unregistered public associations and physical individuals with regard to their receipt of foreign funding and participation in political activities on the territory of the Russian Federation and also specifying rules for clarification of information on their activities in the mass media.

In this connection, the Code is supplemented by new constituent elements of administrative infringements, providing for liability for the dissemination in the mass media of information on non-profit organisations, unregistered public associations and physical individuals entered in the corresponding registers or inventories as well as the dissemination of material published by them with no reference to the fact the non-profit organisation, unregistered public association or physical individual is performing the functions of a foreign agent.

The Russian Federation Government supports this bill.

[signature]

D. Grigorenko
Deputy Prime Minister of the Russian Federation Government –
Government Chief of Staff