

The Russian Federation Federal Law On Corruption Counteraction, December 25, 2008, N 273-FZ

Enacted
by the State Duma
on December 19, 2008

Approved by the Federation Council
on December 22, 2008

The present Federal law prescribes the underlying principles of corruption counteraction, legal and organizational bases for the preventing and fighting of corruption, minimization and (or) elimination of the corruption offences consequences.

Article 1. Basic concepts used in the present Federal law

For the purposes of the present Federal law the following basic concepts are used:

1) corruption:

a) abuse of official position, giving bribe, acceptance of bribe, abuse of power, commercial bribery or other illegal use by a physical person of his/her official position in defiance of the legitimate interests of the society and the State for the purpose of profiting in the form of money, valuables, other property or services of material nature, other rights of property for oneself or for third parties, or illegal provision of such benefits to the said person by other physical persons;

b) commitment of acts, specified in the subparagraph "a" of the present paragraph, on behalf of or in the interests of a legal entity;

2) corruption counteraction – the activity of federal bodies of state power, bodies of state power of subjects of the Russian Federation, local authorities, institutions of the civil society, organizations and physical persons within their powers:

a) to prevent corruption, including identification and subsequent elimination of corruption motives (prevention of corruption);

b) to identify, prevent, terminate, disclose and investigate corruption offences (corruption fighting);

c) to minimize and (or) eliminate the consequences of corruption offences.

Article 2. Legal basis for corruption counteraction

The legal basis of corruption counteraction includes the Constitution of the Russian Federation, federal constitutional laws, generally recognized principles and rules of international law and international treaties of the Russian Federation, the present Federal law and other federal laws, regulatory legal acts of the President of the Russian Federation, as well as regulatory legal acts of the Government of the Russian Federation, regulatory legal acts of other federal bodies of state power, regulatory legal acts of bodies of state power of subjects of the Russian Federation and municipal legal acts.

Article 3. Underlying principles of corruption counteraction

Corruption counteraction in the Russian Federation is based on the following underlying principles:

- 1) recognition, ensuring and protection of the fundamental human rights and freedoms of man and citizen;
- 2) legality;
- 3) publicity and openness of state bodies' and local governments' activity;
- 4) unavoidability of liability for corruption offences;
- 5) multiple use of political, organizational, information and propaganda, socio-economic, legal, special and other measures;
- 6) priority application of measures aimed to prevent corruption;
- 7) cooperation of the State with institutions of civil society, international organizations and physical persons.

Article 4. The international cooperation of the Russian Federation in the field of corruption counteraction

1. The Russian Federation, in accordance with international treaties of the Russian Federation and (or) on the basis of reciprocity principle, cooperates with foreign states, their law enforcement bodies and special services, as well as with international organizations in the field of corruption counteraction for the purpose of:

- 1) identification of persons, suspected (accused) of corruption offences, ascertainment of their location as well as the location of other persons involved in corruption offences;
- 2) spotting of property obtained as a result of corruption offences or serving as an instrument of their commitment;
- 3) provision, in appropriate cases, of items or samples of substances for examination or court expertise;
- 4) exchange of information on corruption counteraction issues;
- 5) coordination of corruption prevention and corruption fighting activities.

2. Foreign citizens, stateless persons, non-residents of the Russian Federation, foreign legal entities with civil legal capacity, established in accordance with the legislation of foreign states, international organizations as well as their branches and representative offices (foreign organizations), accused (suspected) of corruption offences outside the Russian Federation, are legally liable under the legislation of the Russian Federation in cases and in the manner provided for by international treaties of the Russian Federation and federal laws.

Article 5. Organizational basis for corruption counteraction

The President of the Russian Federation

determines the main directions of the state policy in the field of corruption counteraction;

establishes jurisdiction of federal executive bodies, whose activity is under his control, in the field of corruption counteraction;

2. The Federal Assembly of the Russian Federation ensures the development and adoption of federal laws on corruption counteraction and supervises the activities of executive bodies within its authority.
3. The Government of the Russian Federation distributes the corruption counteraction functions amongst the federal executive bodies whose activity is under its control;
4. The federal bodies of state power, bodies of state power of subjects of the Russian Federation and local authorities fulfill the prevention of corruption within their authority.
5. In order to ensure coordination of activities of federal executive bodies, executive bodies of the subjects of the Russian Federation and local authorities aimed at implementation of the state policy in the field of corruption counteraction, agencies composed of representatives of federal bodies of state power, bodies of state power of the subjects of the Russian Federation and other persons (hereinafter referred to as bodies for coordination of corruption counteraction activities) can be formed by the decision of the President of the Russian Federation. To enforce decisions of the bodies for coordination of corruption counteraction activities, drafts of decrees, orders and mandates of the President of the Russian Federation, and drafts of decrees, orders and mandates of the Government of the Russian Federation which in accordance with the applicable procedure are submitted respectively to the President of the Russian Federation, and the Government of the Russian Federation, can be worked out, as well as acts (joint acts) of federal bodies of state power, bodies of state power of the subjects of the Russian Federation, representatives of which hold office in the respective body for coordination of corruption counteraction activities, can be issued. Upon receipt of information on corruption offences the bodies for coordination of corruption counteraction activities transfer it to respective state bodies authorized to verify such information and take a decision in the procedure prescribed by law in accordance with the results of the verification.
6. The Prosecutor-General of the Russian Federation and public prosecutors subject to him co-ordinate within their authority the activities of bodies of internal affairs of the Russian Federation, bodies of the Federal Security Service, Customs bodies of the Russian Federation and other law enforcement bodies aimed at corruption counteraction, and exercise other powers in the field of corruption counteraction, stipulated by federal laws.
7. The Chamber of Accounts of the Russian Federation ensures within its authority the corruption counteraction in accordance with the Federal Law of January 11, 1995, N 4-FZ (Federal Law) "On the Chamber of Accounts of the Russian Federation".

Article 6. Measures of corruption prevention

Prevention of corruption is implemented by the following primary measures:

- 1) development of intolerance in the society to the corruption mode of behavior;
- 2) anticorruption expertise of legal acts and their drafts;
- 3) in accordance with the applicable procedure, presentation of qualifying requirements to citizens claiming to fill government or municipal positions and positions of the government or municipal service, as well as verification, in accordance with the applicable procedure, of the information presented by such citizens;
- 4) determination as grounds for dismissal of a person, filling a position of the government or municipal service that is included in the list, prescribed by regulatory legal acts of the Russian Federation, from such position of the government or municipal service, or application to him/her of other legal liability measures for the failure to present information or presentation of knowingly inadequate or incomplete information on his/her incomes, property and property liabilities, as well as presentation of knowingly false information on incomes, property and property liabilities of his/her spouse and minor children;
- 5) introduction into practice of personnel work of federal bodies of state power, bodies of state power of the subjects of the Russian Federation, and local authorities of rules providing that a continuous, perfect and effective execution by a government or municipal employee of his/her employment duties must be necessarily taken into account when

appointing such person to superior position, a military or special rank, class rank, diplomatic rank or encouraging such person;

6) development of institutions of public and parliamentary control over the compliance with the legislation of the Russian Federation on corruption counteraction.

Article 7. Main directions of state bodies' activities aimed at the enhancement of corruption counteraction efficiency

The main directions of state bodies' activities aimed at the enhancement of corruption counteraction efficiency are as follows:

- 1) to implement a united state policy in the field of corruption counteraction;
- 2) to establish a mechanism of interaction of law-enforcement and other state bodies with public and parliamentary committees on corruption counteraction, as well as with citizens and institutions of the civil society;
- 3) to adopt legislative, administrative and other measures directed at the involvement of government and municipal officials as well as citizens in more active participation in corruption counteraction, the development of a more negative attitude towards a corruption mode of behavior in the society;
- 4) to improve the system and structure of state bodies, to establish mechanisms of public control over their activities;
- 5) to introduce anti-corruption standards, i.e. to establish a unified system of prohibitions, restrictions and permits for corresponding sphere of activity ensuring the prevention of corruption in this sphere;
- 6) to unify the rights and restrictions, prohibitions and duties stipulated for government officials as well as for persons filling government positions of the Russian Federation;
- 7) to provide citizens with access to information on the activities of federal bodies of state power, bodies of state power of the subjects of the Russian Federation and local governments;
- 8) to maintain the independence of mass media;
- 9) to respect the principles of independence of judges and to secure non-interference in judicial activity;
- 10) to improve organization of activity of law-enforcement and anticorruption supervising bodies;
- 11) to improve the career pattern of government and municipal service;
- 12) to maintain fairness, transparency, bona fide competition and objectivity when placing orders for goods delivery, execution of work, rendering of services to satisfy government and municipal needs;
- 13) to eliminate unreasonable interdictions and restrictions, especially in the field of economic activities;
- 14) to improve procedures of use of state and municipal property, state and municipal resources (including in cases of providing government and municipal aid), and also procedures on transfer of rights to use and alienate such property;
- 15) to increase the level of wages and social security for government and municipal employees;
- 16) to strengthen international cooperation and to develop effective forms of collaboration between Russian and foreign law-enforcement bodies and secret services, financial intelligence units and other competent bodies as well

as international organizations engaged in corruption counteraction, investigation, confiscation and repatriation of property acquired by way of corruption and situated abroad.

17) to strengthen control over solution of problems set forth in appeals of citizens and legal entities;

18) to transfer some of state bodies' functions to self-regulating and other non-governmental organizations;

19) to reduce the number of government and municipal employees involving at the same time qualified professionals in government and municipal service;

20) to increase the responsibility of federal bodies of state power, bodies of state power of the subjects of the Russian Federation and local governments, and their officials for non-taking measures to eliminate causes of corruption;

21) to optimize and specify the authority of state bodies and their officials that should be reflected in administrative and service regulations.

Article 8. The obligation of government and municipal employees to submit information on their incomes, property and property liabilities

1. A citizen, claiming to fill a position in the government or municipal service included in the list prescribed by regulatory legal acts of the Russian Federation, as well as an employee filling a position in the government or municipal service included in the list prescribed by regulatory legal acts of the Russian Federation, is obliged to submit information on his/her income, property and property obligations as well as on the income, property and property obligations of his/her spouse and minor children to the representative of the hirer (employer).

2. Information on the income, property and property obligations submitted by government and municipal employees in compliance with the present Article is confidential if it is not ascribed by federal law to information constituting a state secret.

3. The use of information on the income, property and property obligations of a government or municipal employee, his/her spouse and minor children for the purpose of ascertaining or determining his/her solvency and the solvency of his/her spouse and minor children, and collecting donations (contributions) in direct or indirect form for public associations funds, religious or other organizations, as well as in favor of natural persons, is not allowed.

4. Persons, guilty of disclosure of information on the income, property and property obligations of a government or municipal employee, his/her spouse and minor children, or of use of this information for the purposes that are not envisaged by federal laws, hold legal liability in compliance with the legislation of the Russian Federation.

5. Information on the income, property and property obligations of government and municipal employees may be granted for publication in mass media in accordance with the procedure stipulated by regulatory legal acts of the Russian Federation.

6. The verification of validity and completeness of information on the income, property and property obligations of a government or municipal employee, his/her spouse and minor children mentioned in part 1 of this article is fulfilled by an employer's representative (director) or a person, to whom such authorities have been granted by an employer's representative (director), independently or by making an inquiry in compliance with the procedure, established by the President of the Russian Federation, to law-enforcement or other state bodies, exercising control functions, about available to them information on the income, property and property obligations of a government or municipal employee, his/her spouse and minor children.

7. When taking employment in the government or municipal service a citizen fails to submit to the representative of a hirer (employer) information on his income, property and property obligations, as well as on the income, property and property obligations of his/her spouse and minor children, or submits deliberately inadequate or incomplete

information that gives the reason for refuse to employ the above mentioned citizen in the government or municipal service.

8. The disability of a government or municipal employee to fulfill the obligation prescribed by Part 1 of the present article constitutes an offence entailing the dismissal of the employee filling a position in the government or municipal service from his office or bringing him to other kinds of disciplinary liability in accordance with the legislation of the Russian Federation.

9. Federal laws on the types of the government service as well as on the municipal service may establish more severe interdictions, restrictions, obligations and rules of official behavior for government or municipal employees.

Article 9. The duty of government and municipal employees to notify of approaches with a view to incite to corruption offences

1. A government or municipal employee is obliged to notify the representative of the hirer (employer), Public Prosecutor's Office or other state bodies of all instances when some persons approached him/her for the purpose of inciting him/her to corruption offences.

2. The notification of the facts of approaching for the purpose of inciting to corruption offences, with the exception of cases when the above mentioned facts are or were subject to an investigation, is an official duty of a government or municipal employee.

3. The disability of a government or municipal employee to perform the official duty prescribed by Part 1 of the present article constitutes an offence entailing his dismissal from the government or municipal service or bringing him to other kinds of liability in accordance with the legislation of the Russian Federation.

4. A government or municipal employee who has notified the representative of the hirer (the employer), Public Prosecutor's Office or other state bodies of the facts of approaching him/her for the purpose of inciting to corruption offences, the facts of corruption offences by other government or municipal employees, their non-provision of information or provision of deliberately inadequate or incomplete information on their incomes, property and property obligations, is under the protection of the State in accordance with the legislation of the Russian Federation.

5. The procedure of notification of the representative of the hirer (employer) about the facts of approaching for the purpose of inciting a government or municipal employee to corruption offences, the list of data set forth in notifications, the organization of verification of these data and the procedure of registration of notifications are determined by the representative of the hirer (the employer).

Article 10. The conflict of interests at the government and municipal service

1. The conflict of interests at the government or municipal service in the present Federal law means a situation when a personal interest (direct or indirect) of a government or municipal employee affects or can affect his proper discharge of official (professional) duties, and when a contradiction emerges or can emerge between a personal interest of a government or municipal employee and the rights and legitimate interests of citizens, organizations, the society or the state, which can result in an infringement of the rights and legitimate interests of citizens, organizations, the society or the state.

2. The personal interest of a government or municipal employee which affects or can affect his proper discharge of official (professional) duties is understood as a possibility for a state or municipal employee while exercising his official (professional) duties to obtain profits in the form of money, values, other property or property services, and other property rights for himself/herself or for third parties.

Article 11. The procedure of prevention and settlement of conflicts of interests at the government and municipal service

1. Government or municipal employee is obliged to take measures to prevent any possibility of a conflict of interests.
2. Government or municipal employee is obliged to inform in writing his immediate superior about the conflict of interests emerged or about the possibility of its emergence as soon as it comes to his notice.
3. Representative of the employer is obliged to take preventive measures or settle the conflict of interests if it comes to his knowledge that a government or municipal employee has a personal interest that results or can result in a conflict of interests.
4. Prevention or settlement of a conflict of interests can lie in the change of the official position or official capacity of a government or municipal employee who is a party to the conflict of interests, up to his restriction from duty in accordance with the applicable procedure, and (or) his renunciation of the benefit that became the cause of the conflict of interests.
5. Prevention and settlement of a conflict of interests in case, when a government or municipal employee is part of the conflict, are carried out by the removal from office or rejection of the office by a government or municipal employee in cases and in accordance with the procedure provided by the legislation of the Russian Federation.
6. In the event that a government or municipal employee is a stockholder or a shareholder (or owns contributions, shares in authorized (share) capital of organizations), he is obliged to turn over his securities, shares (contributions, shares in authorized (share) capital of organizations) to trust management in accordance with the legislation of the Russian Federation for the purpose of prevention of the conflict of interests.

Article 12. Restrictions imposed on a citizen, who was filling a position of a government or municipal employee, at the moment of making his employment agreement

1. Citizen, who was filling positions of the government or municipal service, the list of which is provided by regulatory legal acts of the Russian Federation, has a right to fill positions in commercial and noncommercial organizations for two years after his dismissal from the government or municipal service if some functions of state management of the given organizations came within the duties of a government or municipal employee, by approbation of a corresponding commission on the compliance with the conduct code requirements of civil government employees of the Russian Federation and settlement of the conflict of interests which is given in accordance with the procedure established by regulatory legal acts of the Russian Federation.
2. Citizen, who was filling positions of the government or municipal service, the list of which is provided for by regulatory legal acts of the Russian Federation, is obliged to give the representative of the employer (hirer) the information about his recent place of employment at the moment of making his employment agreement for two years after his dismissal from the government or municipal service.
3. Disregard of the requirement, stipulated by part 2 of the Article, by a citizen, who was filling positions of the government or municipal service, the list of which is provided by regulatory legal acts of the Russian Federation, after his dismissal from the government or municipal service, results in termination of the employment agreement made with the citizen.
4. While making an employment agreement with a citizen, who was filling positions of the government or municipal service the list of which is provided by regulatory legal acts of the Russian Federation, for two years after his dismissal from the government or municipal service the employer is obliged to inform in ten-day term a representative of the employer (hirer) of a government or municipal employee from his latest place of employment about making such an agreement in accordance with the procedure established by regulatory legal acts of the Russian Federation.
5. Non-fulfilment by the employer of the obligation stipulated by part 4 of the present Article is an offence and entails a responsibility in accordance with the legislation of the Russian Federation.

Article 13. Liability of natural persons for corruption offences

1. Citizens of the Russian Federation, foreign citizens and stateless persons bear criminal, administrative, civil and disciplinary liability for corruption offences in accordance with the legislation of the Russian Federation.
2. A natural person who has committed a corruption offence can be deprived of the right to hold certain positions of the government and municipal service under the court decision in accordance with the legislation of the Russian Federation.

Article 14. Liability of legal entities for corruption offences

1. In the event that organization, preparation and commitment of corruption offences or offences providing conditions for corruption offences are done on behalf of or in the interests of a legal entity, responsibility measures can be applied to this legal entity in accordance with the legislation of the Russian Federation.
2. Application of measures of responsibility to a legal entity for a corruption offence does not exempt the guilty natural person from responsibility for the given corruption offence, likewise the bringing of a natural person to criminal or other responsibility for corruption offence does not exempt a legal entity from responsibility for the given corruption offence.
3. Provisions of the present Article are applicable to foreign legal entities in cases provided for by the legislation of the Russian Federation.

President of the Russian Federation

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Moscow, the Kremlin

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