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THE RUSSIAN FEDERATION

FEDERAL LAW

ON ANTI-CORRUPTION INSPECTION

OF LAWS AND REGULATIONS,

DRAFT LAWS AND REGULATIONS

Approved by

the State Duma

on July 3, 2009

Approved by

the Federation Council

on July 7, 2009

Article 1

1. The present Federal law establishes the legal and organizational framework of anti-corruption inspection of laws and regulations and the draft laws and regulations carried out to identify and subsequently remove corruption factors they may contain.

2. Corruption factors are the provisions of laws and regulations (draft laws and regulations) allowing a law enforcement official the unnecessarily wide margin of appreciation or the possibility of unjustified exceptions to the general rules, as well as the provisions containing vague, exigeant, and (or) onerous requirements to individuals and organizations and thus creating conditions for corruption.

Article 2

The main principles of organization of anti-corruption inspection of laws and regulations (draft laws and regulations) are as follows:

1) obligatory anti-corruption inspection of draft laws and regulations;

2) evaluation of a law or regulation in relation to other laws and regulations;

3) validity, objectiveness and verifiability of the results of anti-corruption inspection of laws and regulations (draft laws and regulations);

4) competence of the persons performing the anti-corruption inspection of laws and regulations (draft laws and regulations);

5) cooperation of federal executive authorities, other state authorities and organizations, state government authorities of constituent units of the Russian Federation, local authorities and their officials (hereinafter – authorities, organizations, their officials) with civil society institutions in carrying out anti-corruption inspection of laws and regulations (draft laws and regulations).

Article 3

1. Anti-corruption inspection of laws and regulations (draft laws and regulations) is performed by:

1) the public prosecution office of the Russian Federation in accordance with the present Federal law and the Federal law "On public prosecution office of the Russian Federation", in the order defined by the General Public Prosecution Office of the Russian Federation and according to the procedure defined by the General Public Prosecution Office of the Russian Federation;

2) the federal executive authority in the field of justice – in accordance with the present Federal law, according to the order and procedure defined by the Government of the Russian Federation;

3) authorities, organizations, their officials – in accordance with the present Federal law, in the order defined by the laws and regulations of corresponding federal executive authorities, other state authorities and organizations, state government authorities of constituent units of the Russian Federation, local authorities, according to the procedure defined by the Government of the Russian Federation.

2. Prosecutors when exercising their powers perform anti-corruption inspection of laws and regulations of authorities, organizations, their officials on the issues concerning:

1) rights, freedoms and duties of citizens;

2) state and municipal property, state and municipal service, the legislation on budget, taxation, forestry, water, land, civil planning, environment and licensing, as well as legislation governing the business of state corporations, funds and other organizations established by the Russian Federation on the basis of federal law;

3) guarantees of social protection for the persons occupying (having occupied) state or municipal positions, state or municipal service positions.

3. Federal executive authority in the field of justice performs anti-corruption inspection of:

1) draft federal laws, draft orders of the President of the Russian Federation and draft regulations of the Government of the Russian Federation developed by federal executive authorities, other state authorities and organizations – in the course of their legal review;

2) draft concepts and requirements for development of draft federal laws, draft official reviews and conclusions on draft federal laws – in the course of their legal review;

3) laws and regulations of federal executive authorities, other state authorities and organizations concerning the rights, freedoms and duties of citizens, defining the legal status of organizations or having multiagency nature, as well as the charters of municipal institutions and municipal regulations on introducing changes to charters of municipal institutions – in the course of their state registration;

4) laws and regulations of constituent units of the Russian Federation – in the course of monitoring of their implementation.

4. Authorities, organizations, their officials perform anti-corruption inspection of the laws and regulations (draft laws and regulations) approved by them in the course of their legal review and monitoring of their implementation.

5. If the authorities, organizations, their officials detect corruption factors in laws and regulations (draft laws and regulations) and have no competence to take measures in this regard, shall inform the prosecution authorities about it.

Article 4

1. The corruption factors detected in laws and regulations (draft laws and regulations) are reflected in:

1) prosecutor’s demand for changing a particular law or regulation or prosecutor’s legal recourse in the order provided by the remedial legislation of the Russian Federation;

2) conclusion issued in the course of anti-corruption inspection in the cases provided by the parts 3 and 4 of the article 3 of the present Federal law (hereinafter – the conclusion).

2. The prosecutor’s demand for changing a particular law or regulation shall indicate the corruption factors detected in the law or regulation (draft law or regulation) and suggest the ways to eliminate them.

3. The prosecutor’s demand for changing a particular law or regulation shall be subject to mandatory consideration by a corresponding authority, organization or official not later than within ten days from the date of receiving the demand and shall be duly recorded by the authority, organization or official issuing this law or regulation in accordance with their competence. The prosecutor’s demand for changing a particular law or regulation sent to a legislative (representative) body of the state power of the constituent unit of the Russian Federation or to a representative body of local authority, shall be subject to mandatory consideration at the earliest meeting of the corresponding authority and shall be duly recorded by the authority issuing this law or regulation in accordance with its competence.

4. The prosecutor’s demand for changing a particular law or regulation can be disputed in accordance with the established procedure.

5. The conclusion serves as guidelines and shall be subject to mandatory consideration by a corresponding authority, organization or official.

6. Disputes arising in the course of evaluation of the corruption factors indicated in the conclusion are settled in accordance with the established procedure.

Article 5

1. Civil society institutions and citizens have the right to perform independent anti-corruption inspection of laws and regulations (draft laws and regulations) at their own cost in the order stipulated by laws and regulations of the Russian Federation.

2. The conclusion of the independent anti-corruption inspection shall indicate the corruption factors detected in a particular law or regulation (draft law or regulation) and suggest the ways to eliminate them.

3. The conclusion of the independent anti-corruption inspection serves as guidelines and shall be subject to mandatory consideration by the receiving authority, organization or official within a thirty-day period from the date of receiving. According to the results of such consideration a motivated response is sent to the citizen or organization which performed the independent inspection, excluding the cases when the conclusion does not contain any suggestion on a way to eliminate the detected corruption factors.

President of

the Russian Federation

D.MEDVEDEV

Moscow, Kremlin

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