

## Short overview of the RF National Anti-Corruption plan 2010-2011

On the 13<sup>th</sup> April 2010 Russian president, Dmitry A. Medvedev had signed a document that adopts the future government policy in battling corruption as the countrywide disease- for the period 2010-2011. The adoption of such document (RF National Anti-Corruption plan) is stipulated in the RF Federal Law on the “Corruption Counteraction”.

The President also signed a new National strategy on corruption counteraction, which sets a number of principles and guidelines for the federal, regional and municipal bodies for more effective fight with corruption. The Strategy in its introduction admits that after entrance into force of the abovementioned Law the level of corruption has not significantly changed.

The National Strategy calls all members of the civil society to play a more active and important role in detection of the corruptive actions and bringing such violators to the legal liability. The Strategy contains a long list of areas through which it should be implemented. This list of areas is more specified in the National Plan a short overview of which is provided here below:

- HR departments of the federal executive organs should secure that its respective employees who are in charge of corruption monitoring are aware of the latest relevant legislative acts. Moreover, such employees must attend certain seminars improving their competence in corruption counteraction;
- To continue state financing of the programmes that secure transparency of the functioning of the state authorities, including transformation to the electronic circulation of the documents;
- To introduce notification procedure of starting up business activities of all kinds except those, which would be enumerated in a certain list;
- To introduce a rotation principle of the civil servants;
- To conduct sociological surveys among all categories of population and in all Russian regions on permanent bases in order to identify the level of corruption in those respective regions;
- In the sphere of corporate legislation: to analyze the current legislation and correspondingly amend it, in particular:
  - To improve the registration and liquidation procedures of legal entities;
  - To exclude from the charters of the legal entities provisions that repeat respective legal requirements;
  - To reduce the amount of data needed to be included in the charters (constituent instruments) of the legal entities in order to facilitate their amendment procedure;
  - To change the financial reporting system for public companies in compliance with international standards;
  - To improve the legislation concerning functioning of the management bodies of the joint stock companies, etc.

The Plan contains a number of other interesting measures that should be taken by assigned ministries or services. General Prosecutor’s office and its territorial branches should intensify its general control and supervision over all activities, in particular public procurement and transactions with state property. Moreover, General Prosecutors Office and Ministry of Justice should develop its existing function of examination of legal acts on corruption component.

**Note:**

*The RF General Prosecutors Office, which in accordance with the Federal Law on “Corruption counteraction” should examine the existing legal acts from the corruption component point of*

*view, examined over 380 thousand legal acts of different levels during nine months of the year 2009, including regional executive and legislative ones. The results of the examination revealed some 29 thousand acts which contained a corruption component. 700 of legal acts contradicted the existing legislation. Most of the violations were in the areas of regulation of public procurement, land-related transactions, and health and social development.*

***The RF Ministry of Justice**, which in accordance with the Federal Law on “Corruption counteraction” should examine the drafts of the legal acts prepared by federal and regional authorities, in the year 2009 examined some 2460 federal legal acts, out of which 205 contained corruption components. Regional branches of the abovementioned Ministry detected corruption component in more than 2100 regional acts.*

Finally, the National Plan also contains some instructions to the respective ministries to analyze the possibility of introducing some legislative changes and novelties. Several of them may be of a high interest to business. One of them is legalizing lobbying activities. In the matter of fact, such initiatives have been already taken in the past (in 1996, 1997 and 2003), however, all of them did not pass even the first reading in the RF State Duma. Another interesting President’s initiative is to analyze whether current Russian legislation (accounting, audit, financial reporting) is in compliance with the international agreements. Hopefully such analyses will lead that Russia finally transforms to the International accounting standards. Suggestions on these initiatives should be submitted to the President by autumn 2010.

AEB strongly supports Russia’s initiatives in the sphere of corruption battle, as this factor still serves as one of the main detriments of the improving of the Russia’s investment climate. We believe that consistent, continuous and persistent state policy in this regard will definitely result in the mitigation of the corruption level in Russia.

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## **Предлагаем вашему вниманию интервью Генерального прокурора Российской Федерации Юрия Чайки журналу «Человек и закон»**

С принятием в июле 2009 г. Федерального закона «Об антикоррупционной экспертизе нормативных правовых актов и проектов нормативных правовых актов» и соответствующих изменений, внесенных в Закон «О прокуратуре Российской Федерации» органами прокуратуры нарабатывается практика применения полномочий по проведению антикоррупционной экспертизы.

Всего органами прокуратуры за 9 месяцев 2009 г. изучено на предмет наличия коррупциогенных факторов свыше 380 тысяч нормативных правовых актов, в том числе 6613 в представительных (законодательных) органах субъектов Российской Федерации и 21647 в органах исполнительной власти субъектов Российской Федерации.

Также изучено более 186 тысяч проектов нормативных правовых актов, из которых 6955 в представительных (законодательных) органах субъектов Российской Федерации и 11 068 в органах исполнительной власти субъектов Российской Федерации.

За 9 месяцев 2009 г. выявлено 28 435 нормативных правовых актов и их проектов, в которых содержалось 37 914 коррупциогенных факторов. В том числе 352 нормативных правовых акта представительных (законодательных) органов субъектов Российской Федерации, содержащих 556 коррупциогенных факторов и 1136 нормативных правовых актов органов исполнительной власти субъектов Российской Федерации, содержащих 2308 коррупциогенных факторов.

Таким образом, в целом в органах власти субъектов Российской Федерации прокурорами выявлено 1488 нормативных правовых актов, содержащих коррупциогенные факторы. При этом 700 из них противоречили действующему законодательству.

Наибольшее количество коррупционных факторов выявляется в нормативных правовых актах, регулирующих вопросы бюджетных правоотношений (в том числе при осуществлении закупок продукции для государственных и муниципальных нужд), использования государственной и муниципальной собственности и управления ею, здравоохранения и социального развития, использования и предоставления земельных участков, государственной поддержки предпринимательства.