



Illustration: Ksenia Gladkikh

The State Duma adopted a new law on «foreign agents». What will change?

The State Duma adopted the bill «On control over the activities of persons being under foreign influence» in the third reading. It contains all the norms related to the activities of people and organizations recognized as «foreign agents». The adopted amendments should enter into force on December 1, 2022. We explain what will change in the law on activities of «foreign agents» after these amendments.

Текст на русском

The main «innovation» is that now, in order to get into the «foreign agents» register, you do not need to receive foreign funding, being under «foreign influence» will be enough.

Thus, a person who was or is a founder, leader, participant, member or employee of an organization or unregistered public association considered to be a «foreign agent» will now be recognized as «affiliated» with him. The list will include individuals who receive or have received funds from «foreign agents», through intermediaries for the implementation of political activities included. «Affiliates» (at least for now) will not be subjected to the requirements and restrictions established for «foreign agents».

OTHER CHANGES:

engage in «political activity» (its definition becomes even broader than before — for example, activity in the field of «legislative regulation of the rights and freedoms of man and citizen» is recognized as political in any case), or carry out «targeted collection of information in the field of military, military-technical activities of the Russian Federation», or publicly distribute messages and materials (any), or take part in the creation of such messages and materials, or finance this activity.

- The term «political activities» did not previously include activities in the field of science, culture, art, healthcare, prevention and protection of public health, social services, social support and protection of citizens, protection of motherhood and childhood, social support for the disabled, promotion of a healthy lifestyle, physical culture and sports, protection of flora and fauna, charitable activities. This list of exceptions remained almost unchanged in the new law, but an important note was added to it: «if the relevant activity does not contradict the national interests of the Russian Federation, the foundations of the rule of law of the Russian Federation, or other values protected by the Constitution of the Russian Federation.» That is, if the authorities decide, for example, that the activity of an organization or a person is contrary to the national interests of the Russian Federation, it will not matter whether it is a scientific or other activity from the list above. Such activity would fall under the criterion for recognition as a «foreign agent».
- The prohibitions established for different types of foreign agents were collected into one law and simultaneously expanded. Now, new and old bans include:

- 2** a ban on being members of advisory and expert councils under public authorities;
- 3** a ban on nominating candidates to be the members of the PMC (Public Monitoring Commission);
- 4** prohibition to conduct an independent anti-corruption expertise of legal acts and their drafts;
- 5** a ban on participating in election campaigns, including donating money to election campaigns;
- 6** a ban on making deals with political parties and donating money to them;
- 7** a ban on receiving state support, for any creative activities included;
- 8** prohibition to organize rallies and other public events, to donate money for holding public events;
- 9** a ban on investing in oil production and the defense sector;
- 10** prohibition to use simplified taxation;
- 11** prohibition to participate in public procurement;
- 12** prohibition to carry out educational activities in relation to minors and (or) pedagogical activities in state and municipal educational organizations, to produce information products for minors, organizations-“foreign agents» cannot carry out educational activities in relation to minors;
- 13** prohibition to carry out ecological expertise;
- 14** prohibition to operate significant objects of critical information infrastructure and carry out activities to ensure the security of significant objects of critical information infrastructure;

16 ban on access to state secrets.

THERE ARE, HOWEVER, SOME POSITIVE CHANGES:

- The process of being recognized as a «foreign agent» will be reversible for all «foreign agents». It will be possible to exit the register provided that the «foreign agent» did not receive foreign funding, organizational, methodological, scientific, technical and other assistance from foreign sources during the year or did not carry out activities that fall under the criteria for recognition as a «foreign agent».
- «Foreign agents» will be allowed not to use the label in publications not related to their activities as a «foreign agent». This «indulgence» requires harsh wording in the law itself, but the deputies only give such an example: «if «the agent writes not about politics», but «about kittens».

AMONG THE AMENDMENTS THAT THE STATE DUMA DEPUTIES DECIDED TO REJECT AT THE STAGE OF THE SECOND READING ARE:

Chamber of Notaries) as «foreign agents»;

- An indication that «foreign agent activity» is an activity in the interests of foreign sources;
- A ban on recognizing scientific organizations and scientific workers as «foreign agents»;
- A ban on recognizing obtaining a foreign education, studying in foreign educational organizations, foreign academic degrees and titles, participating in international scientific research projects, in scientific conferences outside of Russia, studying in Russian educational institutions with foreign teachers, receiving grants for implementation of scientific programs and projects, receiving scholarships, publishing in foreign journals indexed in the international databases Scopus, Web of Science, receiving royalties for publishing books by foreign publishers, royalties for publishing in foreign media as «foreign influence»;
- Exemption from «foreign agent» labeling of procedural documents within the framework of constitutional, civil, arbitration, administrative and criminal procedures.



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