



A New 'Foreign Agents' Law Comes Into Effect

On December 1, the «concerning the control over the activities of persons under foreign influence» law came into effect, together with numerous amendments to the regulation of «foreign agents.» OVD-Info's lawyer Daria Korolenko analyzed the amendments and other changes.

ОБ ЭТОМ НИКТО НЕ УЗНАЕТ

Если об этом никто не напишет. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы плохие дела не оставались в тишине.

ПОДПИСАТЬСЯ

Текст на русском

- of individuals affiliated with foreign agents’;
- There will be new reporting requirements;
 - The penalties for non-reporting to the Ministry of Justice will be increased;
 - A new form of marking has been provided, including for participants in the register of «foreign agents»;
 - Banking, family, and commercial confidentiality have been canceled. This means that the Ministry of Justice will have the right to look through transactions, accounts, and deposits of any individuals and legal entities ‘if there are signs of violation of the foreign agent law’, and to obtain any documents, even containing legally protected information, from other bodies.
 - A unified list of prohibitions for all foreign agents.

WHAT ARE THE CURRENT REPORTING REQUIREMENTS FOR ALL «FOREIGN AGENTS»?

- annually: projects planned for implementation and ongoing, other documents that are the basis for conducting activities;
- six monthly: report on activities, projects, structure, participants, and personal composition of governing bodies and staff;
- quarterly: report on the bank accounts used to carry out the activities of the ‘foreign agent’, on the purposes and amount of funds spent, on receiving organizational, methodological, scientific, technical assistance, and other forms of assistance from foreign sources.

A public report has been introduced for all categories of ‘foreign agent’. Previously, only ‘foreign agent’ NGOs had to post an open access public report on their website and in the media. Now,

of information determined by the authorized **body** every six months.

The first such public report must be published by May 15. The liability is the same as for failing to submit regular reports. Other reports must be submitted for the first time by February 15, then according to a schedule.

WHAT ARE THE RESPONSIBILITIES OF 'FOREIGN AGENTS'?

The liability remains the same as previously. It is different for different categories of 'foreign agent', even though now everyone is on the same register, which creates additional uncertainty. So far, the draft law expanding it has **been adopted** only in the first reading.

Responsibility for non-submission of reports and non-marking is regulated by Articles 19.7.5-3 and 19.7.5-4 of the Code of Administrative Offences for unregistered public associations and individuals respectively. The maximum fine for associations is 100,000 rubles, and for individuals 50,000 rubles.

«Foreign agent» NGOs have responsibility as stipulated in two articles: 19.34 and 19.7.5-2 of the Code of Administrative Offences.

«Foreign agents» who were previously in the media register, and are now included in the register due to the 'distribution of messages intended for an unlimited number of persons', are liable under Article 19.34.1 of the Code of Administrative Offences, which, if the violation is repeated, turns into Part 2 of Article 330.1 of the Criminal Code. A criminal charge and imprisonment for up to 5 years (Part 3 of Article 330.1 of the Criminal Code) may also occur through failure to submit an application for inclusion in the register by a person engaged in 'purposeful collection

agent individual. The first part of Article 330.1 is still reserved for NGOs and unregistered public associations ‘persistently evading’ fulfilling the obligations to submit documents required for inclusion in the register.

The law, which came into force on December 1, also provides other penalties:

- liquidation (for repeated failure to submit reports);
- prohibition from conducting programmes. For failure to comply with this rule, the organization might be liquidated;
- blocking of information resources.

WHO WILL BE IN THE REGISTERS?

All existing registries are combined into one.

«Persons who, on the date of entry into force of this Federal Law, are included in the registers retain (acquire) the status of a ‘foreign agent’ and are subject to inclusion in the unified register of “foreign agents”.»

What will the unified register of «foreign agents» include:

- a) full name of the «foreign agent»;
- b) their address (location); Individual Insurance Account Number (SNILS) / Individual Taxpayer Number (TIN) for individuals;
- c) link to an information resource;
- d) full name of the organization or full name of participants of public and other associations of persons;

WHAT SHOULD BE MARKED?

Materials produced and (or) distributed when ‘foreign agents’ carry out political or other activities specified in [Article 4 of the Federal Law ‘On control over the activities of persons under foreign influence’](#), materials related to these activities, as well as all materials sent to state bodies.

Important: such materials should be marked both by the «foreign agents» themselves, and by the founders, members, participants, heads of legal entities, and public associations that are ““foreign agents””, as well as other associations of persons. A special form of marking has been introduced for them.

"Настоящий материал (информация) _____
(произведен, распространен и (или) направлен)
_____, являющимся _____
(фамилия, имя, отчество (при наличии) _____ (учредителем, членом, участником,
_____,
руководителем или лицом, входящим в состав органа лиц, указанных в части 4 статьи 9
Федерального закона "О контроле за деятельностью лиц, находящихся под иностранным влиянием")
включенного в реестр иностранных агентов."

'This material (information) is produced, distributed and (or) sent (by surname, first name, patronymic (if any)), (a founder, member, participant, head or a person, member of the body of entities, specified in Item 4 Article 9 of the Federal Law ‘On control over the activities of persons under foreign influence’) included in the register of «foreign agents».'

WHAT DO YOU HAVE TO DO NOW TO BE INCLUDED IN THE REGISTRY?

The wording of the law allows this law to be applied limitlessly and absolutely unpredictably, in other words, almost anyone can be called a «foreign agent». Support, for example, is considered to be the provision of organizational, methodological, scientific and technical assistance, or assistance in other forms, by a foreign source — in other words, everything that the legislator wants to count. The authors of the law themselves admitted that the wording is purposefully not limited to provide greater scope of freedom for law enforcement officers.

What do Russian lawmakers regard as «political activity»?

- participation in the organization and staging of public events;
- participation in activities aimed at obtaining a certain result in elections, in monitoring the conduct of elections, in the activities of political parties;
- public appeals to public authorities, their officials, as well as other actions affecting their activities, including those aimed at the adoption, amendment and abolition of laws or other regulatory legal instruments;
- dissemination of opinions on decisions taken by public authorities and their policies;
- forming the socio-political views and beliefs, including doing so by means of conducting public opinion polls and publishing their results or conducting other sociological research;
- engaging citizens, including minors, in the above-mentioned activities.

What do Russian lawmakers consider «other activities»?

- distribution of printed, audio, audiovisual and other messages and materials intended for an unlimited number of persons and (or) participation in the creation of these messages and materials;
- financing of activities from part 2.

WHO ARE «AFFILIATED PERSONS»?

According to the new amendments, this person is (was):

- a member of the bodies of an unregistered public association or a «foreign-agent»-legal entity, and (or) is (was) their founder, member, participant, head
- carrying out (carried out) political activities and receiving (received) funds and (or) other property from foreign agents, including getting it through intermediaries, for the further political activities.»

What information will be included in the register of «affiliated persons»?

- personal tax reference number, personal insurance policy number;
- passport data, information on the place of residence/place of stay (if available);
- information on who a person or organization is affiliated with.

How much of this information will be published on the website of the Ministry of Justice is still unknown.

Where does the Ministry of Justice plan to get this information from?

- the Federal Tax Service,
- the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor),
- the Pension Fund,
- other state bodies and organizations that provide information for the purpose of maintaining the register.

How do «affiliated persons» differ from «foreign agents»?

The requirements and restrictions established for «foreign agents» do not apply to individuals affiliated with «foreign agents».

In fact, the register of «affiliated persons» is published on the website of the Ministry of Justice as a list with no requirements and restrictions. However, in order to stop being «affiliated», it is not enough to simply, for instance, resign from a «foreign agent"-organization: you can remove your name from the register only two years after the termination of any «connections» with «foreign agents».

In addition, since the law is retroactive, the presence of contact with an organization in the past, even before it was granted the status of a «foreign agent», may be sufficient reason for recognition of affiliation.

WHAT ELSE IS NEW FOR «FOREIGN AGENTS»?

children» — 18 markings are required on printed products, websites and social networks. Books created by «foreign agents» can only be sold in opaque packaging;

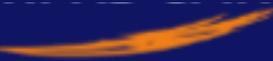
- The Ministry of Justice can conduct scheduled and unscheduled inspections of «foreign agents», and even send its representatives to their events;
- The obligation of persons who «intend to act as a „foreign agent“» to be included in the register independently — providing the entire huge list of required documents;
- At least 18 discriminatory prohibitions: among them a ban on donating money to political parties, a ban on working in state and municipal bodies, law enforcement agencies; a ban on insuring funds in bank accounts. We have already **analyzed** the full list of prohibitions in our Inoteka project.

 ОВД-Инфо

 Правовой бот

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29 сентября 2021 года Минюст включил ОВД-Инфо в «реестр незарегистрированных общественных объединений, выполняющих функции иностранного агента».


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Центр защиты прав СМИ включен в «реестр некоммерческих организаций, выполняющих функции иностранного агента».



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