

Public access to legal information in Russia

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In Russia, as everywhere, ignorance of the law is no defence. This doctrine holds true even where the array of laws and Acts—federal, regional, municipal, decrees, orders and informational letters—can challenge even the most experienced legal practitioner.

Introduction

In addition to the laws and Acts, practitioners need to look at court practice. Russia has a legal system based on civil law where court decisions are not binding precedents, but its laws are still developing and can often be open to varying interpretations. Accordingly, reviewing how the courts have interpreted particular laws is critical—far more so than in other civil jurisdictions.

As general social awareness of the law is a key to a law-abiding state, and publicly available information is one of the hallmarks of a free society, there is an increasing effort to make information available to the public in Russia.

Access to the law post-1991

Before 1991, all state enterprises reported to a specific ministry, and in most cases the supervising ministry required the enterprise to subscribe to a digest of statutes, that is a regular publication of laws and regulations. The digests were available in companies' libraries. They were also available in the biggest public libraries for use by the public or by lawyers who did not have access to company libraries.

In 2009, the company library is a thing of the past. So where do the interested public and practising professionals find a copy of the laws and regulations governing life in modern Russia?

Publicly available electronic sources

In theory, all Russian citizens should be able to access any information that is open to the public from the relevant government body or ministry, as is guaranteed by the Russian constitution.² Such information would include, at the very minimum, all binding laws and implementing regulations.

In practice, though, access to up-to-date information about laws and their attendant regulations has not always been easy. Recently, however, modern technology is helping bring to life the theory of public access by using the internet as a key source of information about the functioning of government and the content of legislation in force. Internetworldstats.com reports that Russia has one of the fastest-growing internet populations in Europe.³



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² See Article 24(2) of "The Constitution of the Russian Federation", as amended: "The bodies of state authority and local self-government, their officials shall ensure for everyone the possibility of acquainting themselves with the documents and materials directly affecting his or her rights and freedoms, unless otherwise provided for by law."

³ See www.internetworldstats.com/stats4.htm.

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Decree on Access to Information

Although Russia still falls behind in total internet penetration compared with the rest of Europe,⁴ the government requires that public agencies make full use of it to keep the public informed. Under the Decree on Access⁵ issued in 2003 and amended in November 2008, federal executive authorities are required, among other things to:

- provide access to information about the activity of federal executive authorities, with the exception of information restricted by federal law, by creating state information resources
- place such state information resources on the internet, on a timely and regular basis
- keep citizens and organisations regularly informed of the activities of federal executive authorities by using other means as may be envisaged under the laws of the Russian Federation.

The Decree on Access contains a list of 55 items that must be published on the internet. These include federal laws, details of the bill-drafting activities of the government, decrees of the Russian President and other regulatory Acts.⁶ Less than a year ago, the Decree on Access was broadened to include administrative regulations and standards for state and municipal services. The Decree on Access extends beyond normative Acts and requires the publication of registers of licences kept by federal executive bodies and, importantly, details of court judgments invalidating governmental Acts.

Official government web sites

In keeping with the Decree on Access, ministries and those agencies reporting to them have created web sites. As might be expected, the information available varies from site to site. The table, at the end of this article, sets out the web site addresses of various Russian ministries, several of the agencies reporting to each ministry and a brief description of the available content.

Note that the sites were reviewed only for the purposes of this article, and the summaries are based exclusively on the availability of legislative Acts and other relevant legal information. An evaluation of other criteria, such as interactivity with users, is not reviewed here; however, those interested can consult a report published in June 2009 by the Association of Managers in Russia containing a detailed evaluation of government web sites in terms of various criteria. A copy of this report (in Russian) is available from the Association's web site.⁷ Also, in keeping with the policy of expanding government services that are available electronically, a recent decree⁸ mandates even more interactivity and the possibility of a single government portal for access to all federal, regional, and municipal services and information. It is expected that the portal will be operational before the end of 2009.

Other useful web sites

In addition to these official government sites for legal texts and information, the following sites also contain other useful information related to business activity in Russia.

- The official site for corporate registrations is the Unified Government Registry of Legal Entities, known by its Russian acronym EGRUL.⁹ It contains general information about legal entities, including state and tax registration numbers. The site is maintained by the Federal Tax Service.
- Information about issuers of publicly traded securities can be found on the Federal Service for Financial Markets' site. News and press releases about issuers are also available.¹⁰ Copies of quarterly reports, information about affiliates, decisions on the issuance of securities, prospectuses and other publicly disclosed information can also be accessed.¹¹

4 By contrast, Trendsniiff.com reports that Russia's mobile internet penetration exceeds that of most of western Europe.

5 Decree No. 98 of the Russian government, 12 February 2003, On Providing Access to Information on the Activity of the Government of the Russian Federation and Federal Executive Authorities.

6 Those regulatory Acts constitute the legal framework of the activity of the Russian government.

7 http://www.amr.ru/storage/research/Doklad_saiti.pdf.

8 Decree No. 478 of the Russian government, 15 July 2009, On a Unified System of Information/ inquiry Support for Individuals and Companies in Matters of Interaction with State and Municipal Authorities through the Internet.

9 egrul.nalog.ru/fns

10 www.openinfo.ffms.ru

11 e-disclosure.fcsfm.ru

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- The Federal Agency of the Land Registry Cadastre maintains an internet site that contains data on land plots and offers an interactive map of Russia.¹² Cadastre numbers, designation of purpose (such as forestry and agriculture) and other information are included. Users must know the cadastre region in which a particular plot is located. From 2010, information on individual buildings, constructions and unfinished constructions should also be listed in the cadastre, and may become available on the web site.
- Court practice can result in unexpected interpretations of even those legal provisions that may seem clear, so a review of statutes alone would be insufficient without a search of relevant court cases for interpretive guidance. Russian law does not require court cases to be published. Such cases are not available on executive branch web sites, but can be found on the web site of the Higher Arbitration Court.¹³ This extensive site, with a more limited but nonetheless informative version in both French and English, provides access to most of the Russian commercial courts' decisions. In fact, some of the information on this site is not available even on the subscription-based legal databases discussed below.

Public non-electronic resources

For those without access to the internet and electronic databases, sources are limited but do exist. The Decree on Access has focused on the internet only since November 2008, but it also requires that information is made available through other media.

The Law On Information, Information Technology and Protection of Information¹⁴ requires that state authorities make information available, and provides individuals with the right to search.¹⁵ One can obtain information directly from the relevant ministry either in writing or by requesting an appointment,¹⁶ but this process may be time-consuming. Russian citizens also have the right to apply personally for any "favor for cooperation in the preservation of his constitutional rights."¹⁷

Last but by no means least, the local bookstore is probably where most Russian citizens turn to find access to the laws and regulations by which they are bound. Local bookstores contain extensive collections of legislation and law-related materials. By their nature, such books are obsolete by the time they arrive

on store shelves. Still, depending on the area of law and the date of the most recent major reform, such books can be an extraordinarily valuable resource.

Privately published electronic databases of legal Acts and related information

While the information available on some of the web sites above is reasonably thorough, finding the answer to a specific legal question would be difficult using those resources alone. As a result, several legal databases have developed that are used by both practitioners and members of the general public.

Garant and KonsultantPlus

The most widely used electronic collections of Acts and related information are *Garant*¹⁸ and *KonsultantPlus*.¹⁹ Both databases are ubiquitous in law firms and relied upon as research tools. *KonsultantPlus* was founded in 1992 and launched its first database in 1994. It now contains more than 4 million electronic documents of federal and regional legislation and other information. Similarly, *Garant* dates back to 1990 and has more than 3 million documents on file.

The advantage of these systems is that they represent a thorough collection of Russian law. In addition to the full texts of Russian legislation, the databases include:

- international treaties.
- court decisions.
- executive orders and decrees.
- letters from courts and federal and local authorities interpreting various provisions of law or addressing important issues where the law or court practice is vague or inconsistent
- commentaries on the most widely used codes
- articles from legal and accounting professional journals.

Documents are searched by number, date, type and other criteria, but also by text.

¹² www.kadastr.ru

¹³ www.arbitr.ru

¹⁴ Law No. 149-FZ, 27 July 2006.

¹⁵ Article 8, Section 2 of Law No. 149-FZ.

¹⁶ The Ministry of Justice, among others, posts information on how to ask for an appointment and publishes phone numbers and addresses for such purposes.

¹⁷ Article 2 and Article 4 of Law No. 59-FZ, 2 May 2006, On the Review of Addresses (Applications) from Citizens of the Russian Federation.

¹⁸ www.garant.ru

¹⁹ www.consultant.ru

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While *KonsultantPlus* only appears in Russian, *Garant* has an English language version. Although not everything has been translated, the most important laws are available in English. The disadvantage is that the translations do not appear at the same time as publication of the Russian version. For example, the most recent amendments to the Law on Joint Stock Companies, which introduced groundbreaking legislation on shareholder agreements, were still awaiting translation into English at the end of July 2009, even though the law entered into force on 1 July 2009. The translations themselves vary widely in quality and occasionally include actual errors.²⁰ They must always be checked against the Russian original.

Again, it should be mentioned that courts may often make an unconventional interpretation of the codes, so a review of interpretive letters and secondary legislation—implementing statutes at various levels of government is critical to an understanding of the statutes. Without these secondary Acts, and in the absence of an English translation of professional journals where practitioners can share their valuable experience, a full understanding of the law is not possible.

Both *Garant* and *KonsultantPlus* are subscription-based systems to which the average Russian citizen will typically not have access.²¹ However, both databases maintain internet versions that contain information free of charge (that is, major laws, regulations, court practice and treaties)²² making them widely available and not limited to law firms.

Private non-electronic resources

Having the written texts of legislation rarely provides a complete answer to legal questions. Court practice ought to provide a helpful guide to interpretation, but is often inconsistent. Books have the major advantage that knowledgeable lawyers and legal scholars will include not only copies of relevant laws, but the critical references to supporting Acts and regulations and, perhaps most importantly, explanations of what they mean and how they are—and should be—interpreted.

Conclusion

Today in Russia, the computer is by far the best tool (and perhaps the only realistic one) for obtaining knowledge on the law. Such access takes the form of either a subscription to an electronic database or the judicious use of the internet. Russia's current position below the European average for internet penetration seems to be temporary; an internet connection is rapidly becoming as indispensable for Russian homes and businesses as it is in the rest of Europe. So long as the official Russian policy of publishing information about the workings of government remains unchanged, the more Russians that will get online, the more information will be made available to them and the easier it will be to find.

²⁰ For example, the English text of Article 11 of Law No. 164-FZ, 29 October 1998, On Finance Leasing, reads "The leasing object transferred into the temporary possession and use of a lessee shall be the property of *this lessee*." The Russian text states that the object of the lease transferred to the possession of the lessee remains the property of the *lessor*. The distinction is a very important one in a financial leasing transaction.

²¹ The Russian government web site (www.government.ru) also provides a limited version of *Garant* and *KonsultantPlus* that users can access free of charge. Court decisions and professional journals are among the information not included in this version.

²² www.garant.ru/iv.htm and www.consultant.ru/online.

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Web sites of Government ministries and agencies providing access to legal information		
Name of the ministry	Web site address	Comments
State Duma (the lower chamber of the Russian parliament)	www.asozd.duma.gov.ru/main.nsf	In Russian only, this site contains the largest collection of draft laws, adopted legislation, texts of legislation in review, information on the status and protocols of all meetings of the State Duma
Russian President	www.kremlin.ru	In Russian and English, this site contains all major legislation and all Presidential decrees and other Acts
Russian government	www.government.ru	In Russian only, this site contains all Russian governmental documents and links to all Russian ministries and agencies of public service
Supreme Commercial Court	www.arbitr.ru	Contains the majority of Russian commercial court decisions. English version is limited to an overview of Russian court system and news
Constitutional Court	www.ksrf.ru/Docs/Pages	In Russian only, this site contains all decisions and resolutions of the Russian Constitutional Court
Russian Constitution	www.constitution.garant.ru	In Russian and English, this site is dedicated to the Russian constitutions, current and past, and constitutions of the Russian constituent entities
Ministry of the Interior	www.mvdrf.ru	A site organised in Russian, English, German and Arabic. Contains a database of almost 2,500 documents with a search function. Legislation is only available in Russian
Ministry of Emergency Situations	www.mchs.gov.ru	In Russian only, this site contains a database of federal and regional legislation. No special system of search is available, but laws are organised in sections according to the type of documents (federal laws, Acts of government) making it is easy to find the necessary document
Ministry of Foreign Affairs	www.mid.ru	A site organised in Russian, English, German and Spanish containing legislation (in Russian only) addressing issues of international concern and domestic immigration. Some information for foreigners is available in a language other than Russian
Ministry of Defence	www.mil.ru	This site is in Russian and English and contains a database of legislation in Russian. There is no search function, but the site is organised in sections
Ministry of Justice	www.minjust.ru	In Russian only, this site contains drafts of some pending legislation but not laws that are currently in force. A link to a site called the "Federal Register" provides access to a small database of regional legislation
Ministry of Health and Welfare	www.minzdravsoc.ru	In Russian only, this site provides a database of legislation with a search function

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Ministry of Culture	www.mkrf.ru	In Russian only, this site contains an extensive database of documents that extends to federal laws, administrative regulations, methodical recommendations and federal programmes. The documents are organised in sections according to their type
Ministry of Education and Science	www.mon.gov.ru/	The site is in Russian, and partly in English. The documents are organised in sections according to the type of normative Act
Ministry of Natural Resources and Ecology	www.mnr.gov.ru	<p>The site is in Russian and in English, with a database of documents in Russian (organised in sections by type of document) and extracts from legislation in English</p> <p>The Russian version contains Acts that regulate the internal matters of the Ministry, methodical recommendations and draft laws. Separate sections address maritime activity, technical questions, independent expertise and more</p>
Ministry of Industry and Trade	www.minprom.gov.ru	The site is in Russian, English, Chinese and Arabic. It contains a database of Russian documents that includes federal laws, administrative regulations and other Acts related to trade and business activity. There is no search function, but the documents are organised in sections according to type
Ministry of Regional Development	www.minregion.ru	The site is only in Russian. Documents are organised in chronological order by year. There are also drafts of legislation in review
Ministry of Mass Communication	www.minsvyaz.ru	In Russian only, this site contains information on federal laws relating to communications and their administrative regulations, information about rates, and more
Ministry of Agriculture	www.mcx.ru	In Russian only, this site contains information on agriculture-related legislation, different federal programmes and administrative reforms. No search function
Ministry of Sport, Tourism and Youth Politics	www.minstm.gov.ru	The site is in Russian and English. There is a database of documents and a quick-find system
Ministry of Transport	www.mintrans.ru	In Russian only, this site contains a database of different documents and draft legislation, grouped according to the type of transport through the link to the Federal Service for transportation oversight (www.rostransnadzor.gov.ru), the web page of which provides a link to Garant for access to transportation-related laws and regulations
Ministry of Finance	http://minfin.ru/ru/	The site is in Russian with a limited section in English. There is a database of documents, organised in sections according to different classification systems. There is extensive tax-related information. Links to the federal agency of financial monitoring, federal tax agency, federal agency of financial and budget supervision, federal agency of insurance supervision, and federal Treasury

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Ministry of Economical Development	www.economy.gov.ru	The site is in Russian and English, but the English version does not contain any legislation. The Russian database of documents is organised in sections according to document type
Ministry of Energy	www.minenergo.gov.ru	In Russian only, this site contains federal laws in power and energy spheres and related governmental documents
Bank of Russia	www.cbr.ru	The site is in Russian and English. There is no direct link to legislation but the site contains economic information and statistical data, interest rates, reserve ratios, information on revoking banking licences and so on
Federal Tax Service	www.nalog.ru	In Russian only, this site contains information on tax legislation, rights and duties of taxpayers, and state registration. Provides guidelines for the calculation of taxes and links to Garant and KonsultantPlus where access to laws is provided (not limited to tax laws). Access to all codes is also available through the KonsultantPlus link
Federal Agency for the Protection of Intellectual Property	www.faprid.ru	In Russian only, this site contains treaties, orders and decrees relating to intellectual property and licensing and export controls
Federal Service for Intellectual Property, Patents and Trademarks	www.rupto.ru	In Russian with a limited English version, contains copies of laws, information about trademarks and patents registration, and copies of applications. A search function is in the process of development
Federal Service of Finance Markets	www.ffms.ru	<p>The site is in Russian and English. Various sections (securitisation, inside information and market manipulation, regulation of corporate mergers) contain information in both languages but copies of actual laws are not to be found. There is an extensive list of supporting regulations (orders, decrees and informational letters) though a link to Garant.</p> <p>A separate investor's page contains specific information about issuers of securities (including links to issuer sites where information about the issuer is disclosed in accordance with the law)</p>
Federal Antimonopoly Service	http://fas.gov.ru/analysys/finance/index.shtml	Extensive collection of competition-related laws and treaties; market analyses; includes information on specific sectors (that is, banking: www.fas.gov.ru/analysys/finance/index.shtml); administrative regulations and drafts of proposed legislation. Some information in English, including English translations of major competition legislation
Federal State Statistics Service	www.gks.ru	In Russian and English, the site contains extensive market and economic statistics. The latest information is in Russian only

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