

Submitted By the Government of the  
Russian Federation

Draft

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## **FEDERAL LAW**

### **On amendments introduced to the Code of Administrative Offences of the Russian Federation**

The following amendments should be introduced to the Code of Administrative Offences of the Russian Federation (Collected Acts of the Russian Federation, 2002, 2002, No. 1, Article 1; No. 30, Article 3029; No. 44, Article 4295; 2003, No. 27, Article 2700, 2708, 2717; No. 46, Article 4434; No. 50, Article 4847, 4855; 2004, No. 31, Article 3229; No. 34, Article 3529, 3533; 2005, No. 1, Article 9, 13, 37, 40, 45; No. 10, Article 763; No. 13, Article 1075, 1077; No. 19, Article 1752; No. 27, Article 2719, 2721; No. 30, Article 3104, 3124, 3131; No. 50, Article 5247; No. 52, Article 5574; 2006, No. 1, Article 4, 10; No. 10, Article 1067; No. 12, Article 1234; No. 17, Article 1776; No. 18, Article 1907; No. 19, Article 2066; No. 23, Article 2380; No. 31, Article 3420, 3433, 3438, 3452; No. 45, Article 4641; No. 50, Article 5279; No. 52, Article 5498; 2007, No. 1, Article 21, 29; No. 16, Article 1825; No. 26, Article 3089; No. 30, Article 3755; No. 31, Article 4007, 4008; No. 41, Article 4845; No. 43, Article 5084; No. 46, Article 5553; 2008, No. 18, Article 1941; No. 20, Article 2251; No. 30, Article 3604; No. 49, Article 5745; No. 52, Article 6235, 6236; 2009, No. 7, Article 777; No. 23, Article 2759, 2776; No. 26, Article 3120, 3122; No. 29, Article 3597, 3599, 3642; No. 30, Article 3739; No. 48, Article 5711, 5724, 5755; No. 52, Article 6412; 2010, No. 1, Article 1; No. 19, Article 2291; No. 21, Article 2525, 2530; No. 23, Article 2790; No. 25, Article 3070; No. 27, Article 3416; No. 30, Article 4002, 4006, 4007; No. 31, Article 4158, 4164, 4193, 4195, 4206, 4207, 4208; No. 32, Article 4298; No. 41, Article 5192; No. 49,

Article 6409; No. 52, Article 6984; 2011, No. 1, Article 10, 23, 54; No. 7, Article 901; No. 15, Article 2039; No. 17, Article 2310; No. 19, Article 2715; No. 23, Article 3260; No. 27, Article 3873, 3881; No. 29, Article 4290, 4298; No. 30, Article 4573, 4585, 4590, 4598, 4600, 4601, 4605; No. 46, Article 6406; No. 48, Article 6728; No. 49, Article 7025, 7061; No. 50, Article 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, No. 6, Article 621; No. 10, Article 1166; No. 19, Article 2278, 2281; No. 24, Article 3069, 3082; No. 29, Article 3996; No. 31, Article 4320, 4330; No. 47, Article 6402, 6403, 6404; No. 49, Article 6757; No. 53, Article 7577, 7602, 7640; 2013, No. 14, Article 1651, 1666; No. 19, Article 2323, 2325; No. 23, Article 2871; No. 26, Article 3207, 3208; No. 27, Article 3454, 3470; No. 30, Article 4025, 4027, 4029, 4030, 4031, 4032, 4033, 4034, 4036, 4040, 4044, 4078, 4082; No. 31, Article 4191; No. 43, Article 5443, 5444, 5445, 5452; No. 44, Article 5624, 5643; No. 48, Article 6161, 6165; No. 49, Article 6327, 6341; No. 51, Article 6683, 6685, 6695; No. 52, Article 6961, 6980, 6981, 6986, 7002; 2014, No. 6, Article 559, 566; No. 11, Article 1092, 1096; No. 14, Article 1562; No. 19, Article 2302, 2306, 2310, 2317, 2324, 2325, 2326, 2327, 2330, 2335; No. 26, Article 3366, 3379; No. 30, Article 4211, 4218, 4228, 4233, 4248, 4256, 4259, 4264, 4278; No. 42, Article 5615; No. 43, Article 5799; No. 48, Article 6636, 6638, 6642, 6651; No. 52, Article 7541, 7550, 7557; 2015, No. 1, Article 29, 35, 37, 67, 74, 83, 85; No. 10, Article 1405, 1416; No. 13, Article 1811; No. 18, Article 2614, 2620; No. 21, Article 2981; No. 24, Article 3367, 3370; No. 27, Article 3945, 3950, 3966; No. 29, Article 4354, 4359, 4362, 4374, 4376, 4391; No. 41, Article 5629, 5637; No. 44, Article 6046; No. 45, Article 6205, 6208; No. 48, Article 6706, 6710; No. 51, Article 7250; 2016, No. 1, Article 11, 28, 59, 63, 76, 84; No. 10, Article 1323; No. 11, Article 1481, 1491, 1493; No. 15, Article 2066; No. 18, Article 2509, 2514, 2515; No. 23, Article 3285; No. 27, Article 4305):

1) Part 1 of Article 3.2 to be complemented with Clause 12 as follows:

“12) restriction of access to information systems and (or) programs for computer software”;

2) Part 2 of Article 3.3 after the words “on the day” to be complemented with the following: “access restriction to information systems and (or) computer software”;

3) The new Article 3.15 should be introduced as follows:

“Article 3.15. Restriction of access to information systems and (or) programs for electronic computers

1. Access restriction to information systems and (or) computer software means the access restriction to information systems and (or) computer software designed and (or) used to provide and (or) distribute information in the information and telecommunication network (networks).

Access restriction to information systems and (or) computer software can be applied to the data processor that committed an administrative offense, the facilitator of dissemination of information in the information and telecommunication network (networks) that operate for functioning of such information systems and (or) computer software. Access restriction to information systems and (or) computer software is established for administrative offenses against management scheme.

Access restriction to information systems and (or) computer software should be imposed only in those cases provided by the Articles of the Code, if more mitigating administrative punishments can not meet the purpose of such a punishment.

Access restriction to information systems and (or) computer software shall be imposed by a judge.

2. Access restriction to information systems and (or) computer software is established for up to 90 days. The period for access restriction to information systems and (or) computer software starts when the body, which carries out control and supervision functions in the sphere of communication, information technologies and mass communications, directs the judge’s regulation, which came into legal force, on interaction system of the requirement of the service provider regarding measures for access restriction to information systems and (or) computer software.

3. The judge imposed administrative punishment in the form of restriction of access to information systems and (or) computer software, on the basis of the application of the operator of the information system, the organizer of the dissemination of information on the Internet that operates for functioning of such information systems and (or) computer software, within ten working days considers and immediately prematurely terminates the execution of an administrative punishment in the form of restricting access to information systems and (or) computer software, if it is established that the circumstances that served as a basis to the imposition of such an administrative punishment have been eliminated;

3) The Note 4 to Article 14.32 to be complemented with Clause 3 as follows:

“3) Perpetration of an administrative offence using a price algorithm”;

4) Article 19.5:

a) Paragraph 2 of Part 2.1 after words “five hundred thousand rubles” to be complemented with the following: “and (or) restriction of access to information systems and (or) computer software for a period of up to ninety days”;

b) Paragraph 2 of Part 2.2 after words “five hundred thousand rubles” to be complemented with the following: “and (or) restriction of access to information systems and (or) computer software for a period of up to ninety days”;

5) Article 19.5 to be complemented with Part 2.3<sup>1</sup> as follows:

“2.3<sup>1</sup>. Failure to comply within the prescribed period of a legal order of the federal antimonopoly authority, its territorial body to cease violating the rules of non-discriminatory access to goods (works, services) or a legal decision, the order of the federal antimonopoly authority and its territorial body to carry out actions aimed at ensuring competition, and (or) to cease the violation of antimonopoly legislation of the Russian Federation if one was previously brought to administrative liability for failure to comply with this decision or the regulations, and the federal antimonopoly authority, its territorial body has established the new deadlines for the execution of the decision or regulations,-

entails the disqualification of physical bodies for a period of one up to three years; the imposition on legal entities of an administrative fine in the double amount

of the amount previously imposed for the offense provided for in parts 2.1-2.3 of this article, or the amount of the offender's expenses for the purchase of goods (works, services), in the market where an administrative offense was committed, but not more than one fiftieth of the total amount of the offender's revenue from the sale of all goods (works, services) and not less than one hundred thousand rubles”;

6) Paragraph 5 of Part 3 of Article 23.1 after words “14.61” to be complemented with the following: “, Parts 2.1 and 2.2 of Article 19.5 (regarding the administrative offenses committed by operators of information systems, organizers of information distribution in the information and telecommunication network (networks))”;

7) The new Article 32.15 to be introduced as follows:

“Article 32.15. Execution of the resolution on restriction of access to information systems and (or) computer software.

1. The regulation of the judge that appointed the administrative punishment in the form of restricting access to information systems and (or) computer software must contain the domain name and (or) network web-links and (or) web-indexes on the Internet, which allow to conduct an identification of an information resource. The decision of the judge is executed by the authority that performs the functions of control and supervision in the field of communications, information technology and mass communications immediately after issuing of such a regulation.

2. Within a day starting at the moment of receipt by the authority responsible for control and supervision in the field of communications, information technology and mass communications of the relevant regulation, the abovementioned authority sends to the communication system operators the requirement to take measures to restrict access to information systems and (or) computer software.

The operators providing data communication services and Internet access services to restrict access to information systems and (or) computer software that are designed and (or) used to provide and (or) disseminate information in the information and telecommunications network (s) and the operation of which is provided by the operator of the information system, the organizer of the

dissemination of information in the information and telecommunications network(s) brought to administrative liability.

3. Restriction of access to information systems and (or) computer software is terminated prematurely by a judge that appointed an administrative punishment in the form of restriction of access to information systems and (or) computer software, at the request of the information system operator, organizer of information dissemination on the Internet that operates for functioning of such information systems and (or) computer software, if it is established that the circumstances that served as a basis to the imposition of such an administrative punishment have been eliminated. At the same time, the judge that imposed an administrative punishment in the form of restricting access to information systems and (or) computer software mandatory requests the opinion of an official authorized in accordance with Article 28.3 of the Code to draw up an administrative offense report. When a judge's request is received, in order to prepare a report, an official authorized to draw up an administrative offense report in accordance with article 28.3 of the Code verifies the elimination of the circumstances served as a basis to an administrative punishment in the form of restricting access to information systems and (or) computer software within a period of not more than five working days. The conclusion is given in a writing form with an indication of the facts testifying to the elimination or non-elimination by the operator of the information system, the organizer of information dissemination in the information and telecommunication network (s) that operates for functioning of such information systems and (or) computer software, the access to which is restricted, as well as the circumstances served as a basis to the imposition of such an administrative punishment. The conclusion is not mandatory for the judge that imposed an administrative penalty in the form of restricting access to information systems and (or) computer software, and is evaluated according to the Article 26.11 of the Code. The judge's disagreement with the conclusion must be motivated. A petition is considered by a judge that imposed an administrative penalty in the form of restricting access to information systems and (or) computer software within ten working days beginning at the date of receipt of the petition

provided for by Chapter 29 of the Code, taking into account the features established by this Article. At the same time the participation of the operator of the information system, the organizer of information dissemination in the information and telecommunication network (s) that operates for functioning of such information systems and (or) computer software, the access to which is restricted, which has the right to give explanations and to submit documents, is mandatory.

4. After examining the submitted documents, the judge that imposed an administrative penalty in the form of restricting access to information systems and (or) computer software, makes a decision to terminate the execution of administrative punishment in the form of restricting access to information systems and (or) computer software to satisfy the petition.

In the resolution on early termination of execution of administrative punishment in the form of restricting access to information systems and (or) computer software the data provided by Article 29.10 of the Code, as well as the date of renewal of access to information systems and (or) computer software are specified.

5. After the expiration of the period established in the regulation on restricting access to information systems and (or) computer software, in case if the execution of an administrative punishment in the form of restricting access to information systems and (or) computer software is not terminated early under the grounds and in the manner provided for in Parts 3 and 4 of this Article, an official authorized in accordance with Article 28.3 of the Code to draw up a report on administrative offense of the law, checks the elimination of the circumstances that served as a basis to the imposition of an administrative punishment in the form of restricting access to information systems and (or) computer software.

In case if, based on the results of the audit, one establishes that the circumstances that served as a basis for imposing an administrative punishment in the form of restricting access to information systems and (or) computer software have not been eliminated, the official authorized in accordance with Article 28.3 of

the Code to draw up a report on administrative offense, a new report on administrative offense may be drafted”.

President of the  
Russian Federation

Vladimir Putin