(c) Documents submitted by Russia on 24 July 2007:
- Details on the procedure for the determination of a bond for the release of a vessel and the authorities involved therein

Case No. 15

DETAILS ON THE PROCEDURE FOR THE DETERMINATION OF A BOND FOR THE RELEASE OF A VESSEL AND THE AUTHORITIES INVOLVED THEREIN

The investigation of violations of fisheries regulations of the Russian Federation is conducted by the local Prosecutor's Office (dealing with charges of criminal offences, in particular, featured in Articles 253 and 256 of the Criminal Code of the Russian Federation) and the local Office of the State Sea Inspection (which is competent to deal with administrative offences under Article 8.17 of the Code on Administrative Offences of the Russian Federation).

In cases where both Offices are investigating the same violations of the fisheries regulations they coordinate their actions. Before the case is filed before a court, the bond is established, depending upon the circumstances of the case, by one of the mentioned offices which takes the decision in coordination with the other. (In the case of “Tomimaru” it was the Inter-district Office of the Prosecutor for the Nature Protection; the owner of the vessel was informed both by the State Sea Inspection and the Office of the Prosecutor about it).

Each of the Offices can bring a suit in accordance with Articles 55 and 56 of the Russian Federal Law “On Wildlife” for the compensation of the damage caused to the objects of fauna and to their environment. It is calculated on the basis of the rates established by the Regulation of the Government of the Russian Federation No. 724 of September 26, 2000. Its amount served as a basis for setting a bond, in particular, in the “Tomimaru” case. Since the criteria for setting a bond which include the value of the vessel were established within the framework of the Russian-Japanese Joint Commissions the Offices of the Prosecutor and of the State Sea Inspection in the Kamchatka region implement these decisions.

When the case is filed the setting of a bond lies within the competence of the court.
the revision of a contested decision in corpore (in full amount), but to carry out certain specific tasks.

In a ruling dated 4 April 2006 №113-O the Constitutional Court of the Russian Federation emphasized that "the revision of judicial acts rendered in cases concerning administrative offences in the framework of a supervisory review procedure can not be, therefore, carried out in the same scope as on previous stages of review. While conducting a supervisory review, a court can revise only the legality of judicial acts, without examining the questions of fact, that is why on this stage of the procedure it is inadmissible to apply by analogy the provisions of Article 30.6 of the Code of Administrative Offences of the Russian Federation, which regulates the procedure for the examination of a complaint against judgment rendered in case concerning administrative offence: according to its subpara. 8 of para.2 [of Article 30.6] the legality and the validity of a judgment rendered are checked on the basis of new, as well as already existing evidence, the fact that the revision is conducted in corpore irrespective of the grounds of a complaint (para.3) on the basis of, inter alia, new evidence attaches to this procedure the character of an appeal procedure, which can not be applied on a supervisory stage of procedure" (emphasis added).

In the same ruling the Constitutional Court of the Russian Federation noted that, while providing for the possibility of a supervisory review of judgments rendered in cases concerning administrative offences in its Article 30.11, the Code of Administrative Offences of the Russian Federation does not regulate such questions as the scope and grounds for examination under this procedure, competence of judges of a court conducting a supervisory review, time-limits for lodging complaints against ( contesting) a judicial act which has already entered into legal force and procedure for the examination of such complaints (objections) in the framework of a supervisory review. Hence, according to the above-mentioned ruling №113-O of the Constitutional Court of the Russian Federation until the legislative regulation in the Code of Administrative Offences of the
Russian Federation of all these questions, courts of general jurisdiction conducting a supervisory review should be guided by the corresponding provisions of Chapter 36 of the Procedural Arbitration Code of the Russian Federation taking into account the peculiarities of questions to be resolved and general principles of judicial procedure.


Pursuant to Article 304 of the Procedural Arbitration Code of the Russian Federation judicial acts which have already entered into legal force are subject to modification or annulment if a Court conducting supervisory review establishes that this judicial act:

1) disrupts the uniformity in the interpretation and application of legal norms;
2) infringes upon human and civil rights and freedoms proclaimed by universally recognized principles and norms of international law and international treaties of the Russian Federation;
3) violates rights and legitimate interests of an indefinite number of people or other public interests.

Thus, it can be concluded that the primary function of the supervisory review procedure is to guarantee uniformity in the application of legal norms.

According to para.2 of Article 303 of the Procedural Arbitration Code of the Russian Federation, a complaint lodged in the framework of a supervisory review procedure and recognized as valid must be examined in a time limit not exceeding three month after the date of a ruling on its validity.

In accordance with Article 305 of the Procedural Arbitration Code of the Russian Federation, in the course of examination of a case concerning supervisory review of a judicial act, the Court can:

1) leave a contested judicial act without modification and a complaint without satisfaction;
2) annul the judicial act in full or in part and return it to the lower court which has taken it for a new examination;
3) annul the judicial act in full or in part and adopt a new judicial act without returning it for a new examination;
4) annul the judicial act in full or in part and discontinue the judicial procedure and leave an application without examination in full or in part;
5) leave without modification one of the judicial acts previously adopted with regard to the case.

If a Court adopts one of the decisions indicated in points 2-5 above it must indicate in its decision precise grounds for modification or annulment of the judicial act in accordance with Article 304 of the Code.

While conducting a supervisory review, a Court can not establish or consider as proved circumstances, which have not been established or proved in the judgment or decision that is contested, or which have been rejected by the corresponding judicial acts. Neither can it prejudge questions of reliability or non-reliability of an evidence, priority of one evidence over another one, of what norm of substantial law must be applied and what judgment, decision must be taken in the course of a new examination of the case (para.4 of Article 305 of the Code).

During last years there has been no cases of the revision by the Supreme Court of the decisions on confiscation of vessels for violations of the fisheries rules and regulations in the exclusive economic zone of the Russian Federation.
(d) Further documents submitted by the Russian Federation on 24 July 2007:
Letter No. 153607/06u dated 20 August 2003 from the Supreme Court of the Russian Federation (in Russian) (not reproduced)
- English translation

SUPREME COURT OF THE RUSSIAN FEDERATION
LETTER
No.1536-7/06m.
20 August 2003

The Judicial Division for Civil Cases of the Supreme Court of the Russian Federation discussed the issue from the judicial practice concerning the time of enforcement of a decree and/or judgment on administrative offences in case of appeal.

Article 31.1 of the Code of Administrative Offences of the Russian Federation which establishes the procedure for enforcing the said decrees or judgments and Articles 30.1 and 30.9 of the Code of Administrative Offences of the Russian Federation which regulate the procedure for appealing rulings in case of administrative offences and judgments arising from appeals against such rulings imply the following.

The procedure for enforcement of rulings and/or judgments in cases of administrative offences depends on what authority examines the case.

1. When the case is considered by a non-judicial authority (official), the ruling can be appealed in a district court (see subparas 2, 3, para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation); and the judgment of a judge of the district court which is appealed against can be submitted to an upper court, i.e. regional or other appropriate court (paras 1 and 2, Article 30.9 of the Code of Administrative Offences of the Russian Federation).

2. When the case is considered by a judge of the peace or a judge of a district court, the ruling can be appealed against only in the upper court under the procedure established by Article 30.2 - 30.8 of the Code of Administrative Offences of the Russian Federation: i.e. in the district or other appropriate regional court (para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation).

Article 30.9 of the Code of Administrative Offences of the Russian Federation does not provide for the possibilities to appeal against judgment of a judge of the upper court, therefore, such judgment enters into legal force immediately after it is made (see para 3, Article 31.1 of the Code of Administrative Offences of the Russian Federation).

Hereafter, it is possible only to reconsider the enforced rulings and judgments in cases of administrative offences on behalf of persons listed in para 3, Article 30.11 of the Code of Administrative Offences of the Russian Federation and upon notice of opposition from officials of Prosecutor's Office listed in para 2 of the said Article and upon complaints from persons listed in Articles 25.1 - 25.5, para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation.

I ask you to bring the above said to the judges' notice.

ZHUYKOV V.M.
(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
- Articles 8, 9, 11, 12, 15, 124, 125, 209, 212, 214, 1064, 1068, 1102, 1103, 1105 and 1109 of the Civil Code of the Russian Federation (in Russian) (not reproduced)
- English translation

Translation, Original: Russian.

The Civil Code of the Russian Federation (extracts)

PART I  One
SECTION I  The General Provisions

Chapter 2. Arising of the Civil Rights and Duties, Exercising and Protection of the Civil Rights

Article 8. The Grounds for the Arising of the Civil Rights and Duties

1. The civil rights and duties shall arise from the grounds, stipulated by the law and by the other legal acts, as well as from the actions of the citizens and of the legal entities, which, though not stipulated by the law or by such acts, still generate, by force of the general principles and of the meaning of the civil legislation, the civil rights and duties. In conformity with this, the civil rights and duties shall arise: 1) from the law-stipulated contracts and other deals, and also from the contracts and other deals, which, though not stipulated by the law, are not in contradiction with it; 2) from the acts of the state bodies and of the local self-government bodies, which are stipulated by the law as the grounds for the arising of the civil rights and duties;
3) from the court ruling, which has established the civil rights and duties;
4) as a result of the acquisition of property on the grounds, admitted by the law;
5) as a result of creating the works of science, literature and art, of making inventions and producing other results of the intellectual activity;
6) as a result of inflicting damage to another person;
7) as a consequence of an unjust enrichment;
8) because of other actions performed by the citizens and the legal entities;
9) as a result of the events, with which the law or the other legal act connects the arising of the civil legislation consequences.
2. The rights to the property, liable to the state registration, shall arise from the moment of the registration of the corresponding rights to it, unless otherwise stipulated by the law.

Article 9. Exercising of the Civil Rights

1. The citizens and the legal entities shall exercise the civil rights they possess at their own discretion.
2. The refusal of the citizens and of the legal entities to exercise the civil rights they possess shall not entail the termination of these rights, with the exception of the law-stipulated cases.

Article 11. Protection of the Civil Rights in the Court

1. The violated or disputed civil rights shall be protected by the court of justice, the arbitration court or the arbitration tribunal (hereinafter referred to as the court), in conformity with the liability of the cases to these bodies' jurisdiction, established by the procedural legislation.
2. Protection of the civil rights in the administrative order shall be effected only in the law-stipulated cases. The decision, adopted administratively, may be appealed against in the court.

Article 12. The Ways of Protecting the Civil Rights

The civil rights shall be protected by way of:
- the recognition of the right;
- the restoration of the situation, which existed before the given right was violated, and the suppression of the actions that violate the right or create the threat of its violation;
- the recognition of the disputed deal as invalid and the implementation of the consequences of its invalidity, and the implementation of the consequences of the invalidity of an insignificant deal;
- the recognition as invalid of an act of the state body or of the local self-government body;
- the self-defense of the right;
- the ruling on the execution of the duty in kind;
- the compensation of the losses;
- the exaction of the forfeit;
- the compensation of the moral damage;
- the termination or the amendment of the legal relationship;
- the non-application by the court of an act of the state body or of the local self-government body, contradicting the law;
- using the other law-stipulated methods.

Article 15. Compensation of the Losses

1. The person, whose right has been violated, shall be entitled to demand
the full recovery of the losses inflicted upon him, unless the recovery of losses in a smaller amount has been stipulated by the law or by the agreement.

2. Under the losses shall be understood the expenses, which the person, whose right has been violated, made or will have to make to restore the violated right, the loss or the damage done to his property (the compensatory damage), and also the undeceived profits, which this person would have derived under the ordinary conditions of the civil turnover, if his right were not violated (the missed profit). If the person, who has violated the right of another person, has derived profits as a result of this, the person, whose right has been violated, shall have the right to claim, alongside with the compensation of his other losses, also the compensation of the missed profit in the amount not less than such profits.

Subsection The Persons

Chapter 5 Participation of the Russian Federation, of the Subjects of the Russian Federation and of the Municipal Entities in the Relationships, Regulated by the Civil Legislation

Article 124. The Russian Federation, the Subjects of the Russian Federation and the Municipal Entities as the Subjects of Civil Law

1. The Russian Federation, the subjects of the Russian Federation: the republics, the territories, the regions, the cities of federal importance, the autonomous region, the autonomous areas, and also the urban and rural settlements and the other municipal entities shall come out in the relationships, regulated by the civil legislation, on equal terms with the other participants of these relationships - the citizens and the legal entities.

2. Toward the subjects of civil law, indicated in Item 1 of the present Article, shall be applied the norms, defining the participation of the legal entities in the relationships, regulated by the civil legislation, unless otherwise following from the law or from the specifics of the given subjects.

Article 125. The Order of Participation of the Russian Federation, of the Subjects of the Russian Federation and of the Municipal Entities in the Relationships, Regulated by the Civil Legislation

1. The right to acquire and exercise by their actions the property and the personal rights, and to come out in the court on behalf of the Russian Federation and of the subjects of the Russian Federation shall be vested in the state power bodies within the scope of their jurisdiction, established by the acts, defining the status of these bodies.

2. The right to acquire and exercise by their actions the rights and duties, indicated in Item 1 of the present Article, on behalf of the municipal entities shall be vested in the local self-government bodies within the scope of their jurisdiction, established by the acts, defining the status of these bodies.

3. In the cases and in conformity with the procedure, stipulated by the federal laws, by the decrees of the President of the Russian Federation and the decisions of the Government of the Russian Federation, by the normative acts of the subjects of the Russian Federation and of the municipal entities, the state bodies, the local self-government bodies, and also the legal entities and the citizens may come out on their behalf upon their special order.


Article 209. The Content of the Right of Ownership

1. The owner shall be entitled to the rights of the possession, the use and the disposal of his property.

2. The owner shall have the right at his own discretion to perform with respect to the property in his ownership any actions, not contradicting the law and the other legal acts, and not violating the rights and the law-projected interests of the other persons, including the alienation of his property into the ownership of the other persons, the transfer to them, while himself remaining the owner of the property, of the rights of its possession, use and disposal, the putting of his property in pledge and its burdening in other ways, as well as the disposal thereof in a different manner.

3. The possession, the use and the disposal of the land and of the other natural resources so far as their circulation is admitted by the law (Article 129), shall be freely effected by their owner, unless this inflicts damage to the natural environment or violates the rights and the legal interests of the other persons.

4. The owner may pass his property over into the confidential management, or into the trusteeship (to a confidential manager, or to the trustee). The transfer of the property into the confidential management shall not entail the transfer of the rights of ownership to the confidential manager, who shall be obliged to perform the management of the
property in the interest of the owner or of the third person the owner has named.

Article 212. The Subjects of the Right of Ownership

1. In the Russian Federation shall be recognized the private, the state, the municipal and the other forms of ownership.
2. The property may be in the ownership of the citizens and of the legal entities, and also of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities.
3. The specifics of the acquisition and of the cessation of the right of ownership to the property, of the possession, the use and the disposal thereof may be established only by the law, depending on whether the given property is in the ownership of the citizen or of the legal entity, in the ownership of the Russian Federation, of the subject of the Russian Federation or of the municipal entity. The law shall stipulate the kinds of the property, which may be only in the state or in the municipal ownership.
4. The rights of all the owners shall be equally protected.

Article 214. The Right of the State Ownership

1. The state property in the Russian Federation shall be the property, owned by the right of ownership by the Russian Federation (the federal, or the federally owned property), and also the property, owned by the right of ownership by the subjects of the Russian Federation - by the Republics, the territories, the regions, the cities of federal importance, by the autonomous region and by the autonomous areas (the property of the subject of the Russian Federation).
2. The land and the other natural resources, which are not in the ownership of the citizens, the legal entities or the municipal entities, shall be the state property.
3. On behalf of the Russian Federation and of the subjects of the Russian Federation, the rights of the owner shall be exercised by the bodies and by the persons, indicated in Article 125 of the present Code.
4. The property, which is in the state ownership, shall be assigned to the state-run enterprises and institutions into the possession, the use and the disposal in conformity with the present Code (Articles 294 and 296). The means of the corresponding budget and the other state property, not assigned to the state enterprises and institutions, shall comprise the state treasury of the Russian Federation, the treasury of the Republic within the Russian Federation, of the territory, the region, the city of federal importance, of the autonomous region and of the autonomous area.
5. Referring the state property to the federal property and to the property of the subjects of the Russian Federation shall be effected in conformity with the procedure, laid down by the law.

PART II  Two
SECTION IV  Particular Kinds of Obligations

Chapter 59. Liabilities for Damage

Article 1064. General Grounds for Liability for Damage

1. The injury inflicted on the personality or property of an individual, and also the damage done to the property of a legal entity shall be subject to full compensation by the person who inflicted the damage. The obligation to redress the injury may be imposed by the law on the person who is not the inflictor of injury.
2. The law or the contract may institute the obligation of the inflictor of injury to repay to the victims compensation over and above the compensation of damage.
3. A person who has caused harm shall be released from the redress of injury, if he proves that injury was caused not through his fault. The law may also provide for the redress of injury in the absence of the fault of the inflictor of injury.
4. Injury inflicted by lawful actions shall be subject to redress in cases, provided for by the law. Redress of injury may be rejected, if injury has been caused at the request or with the consent of the insured person and unless the actions of the inflictor of injury violate the moral principles of the society.

Article 1068. The Liability of a Legal Entity or an Individual for Injury Inflicted by the Employee

1. A legal entity or an individual shall redress the injury inflicted by the employee during the performance of labour (official) duties. In terms of the rules, provided for by this Chapter, Individuals performing their work on the basis of a labour contract, and also individuals performing their work under a civil-law contract shall be recognized as employees, if in this case they acted or should have acted on the assignment of the relevant legal entity or individual and under their control over the safe conduct of works.
2. Economic partnerships and procedure cooperatives shall refresh the injury inflicted by their participants (members) during the performance by them of the business, production or any other activity of the partnership or cooperative.
Chapter 60. Obligations Due to Unjust Enrichment

Article 1102. The Obligation to Return Unjust Enrichment

1. A person who has acquired or saved property (purchaser) without the grounds, established by the law, other legal acts or the transaction, at the expense of another person (victim) shall be obliged to return to the latter the property acquired or saved unjustly (unjust enrichment), except for the cases, provided for by Article 1109 of this Code.

2. The rules, provided for by this Chapter, shall be applicable regardless of the fact whether unjust enrichment resulted from the behavior of the purchaser of property, the victim himself, third persons or took place regardless of their will.

Article 1103. The Correlation of Claims for the Return of Unjust Enrichment With Other Claims for the Protection of Civil Rights

Inasmuch as the contrary is not established by this Code, other laws or other legal acts and does not follow from the essence of corresponding relations, the rules, envisaged by this Chapter, shall be applied to the following claims:

1) for the return of the executed in an invalid transaction;
2) for the reclamation of property by its owner from the illegal possession of other people;
3) of one party in the obligation to the other party for the return of the executed in connection with this circumstance;
4) for the redress of injury, including that inflicted by the dishonest behavior of the enriched person.

Article 1105. Compensation for the Value of Unjust Enrichment

1. If it is impossible to return the groundlessly acquired or saved property in kind, the purchaser shall compensate to the victim for the actual value of this property at the time of its acquisition, and also for the losses, caused by the subsequent change in the value of property, if the purchaser has not reimbursed its value at once after he has known about unjust enrichment.

2. A person who groundlessly used the property of other people for the time being without his intention to acquire it or used the services of other people shall recompense to the victim all that he has saved owing to such use at the price existing at the time when this use ended and in the place where the use took place.

Article 1109. Unjust Enrichment Not Subject to Return

The following property shall not be subject to return as unjust enrichment:

1) property transferred for the execution of the obligation before the onset of the time for execution, unless the obligation provides for otherwise;
2) property transferred for the execution of the obligation upon the expiry of the period of limitation;
3) wages and salaries and payment equated therewith, pensions, benefits, scholarships, the redress of injury inflicted on human life or health, alimony and other pecuniary sums given to an individual as means of subsistence in the absence of dishonesty on his part and of calculation error;
4) pecuniary sums and other property given for the execution of a non-existent obligation, if the purchaser proves that the person who demands the return of property knew about the absence of the obligation or granted property for charity purposes.
(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
  - English translation

  Translation: Original: Russian.

THE GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE

3 July 1998, № 696

ON ORGANIZATION OF RECORD-KEEPING OF FEDERAL PROPERTY AND KEEPING REGISTER OF FEDERAL PROPERTY

(Extract)

With the objective of organizing the record-keeping of federal property in line with the legislation of the Russian Federation, as well as improving the mechanisms for the management and administration of the property the Government of the Russian Federation enacts:

1. To approve the attached Regulation on the Record-keeping of Federal Property and Keeping Register of Federal Property (further on mentioned as the Regulations);
2. To charge the Ministry of State-owned Property of the Russian Federation1 with the task of organizing the record-keeping of federal property and keeping register of federal property (here and after referred to as the Register).

Approved
by the Decree of the Government of the Russian Federation

REGULATIONS
ON RECORD-KEEPING OF FEDERAL PROPERTY AND KEEPING REGISTER OF FEDERAL PROPERTY

(Extract)

I. General provisions

1. These Regulations shall establish procedure for record-keeping of the federal property and keeping Register of the federal property (here and after referred to as the Register) in accordance with the legislation of the Russian Federation which regulated the relations which appear during management and administration of federal property and creation of information systems.

2. The Register in these Regulations shall be understood to mean a federal information system which shall be a combination of data bases built on single

methological and software and hardware principles and containing lists of items of the record-keeping and their data which are the subject of the recording in the State Register.

3. The subjects for the recording in the Register (here and after referred to as subjects for the recording), situated on the territory of the Russian Federation, as well as abroad, shall be:

   ... b) federal property secured with the right of an economic management to a State-owned unitary enterprise, or with the right of an actual management to a federal government-owned enterprise or a State-owned enterprise, or a State-owned enterprise as a whole as a property complex;
   ....
   a) other real-estate and movable property, including the one transferred with the objective of use, lease, mortgage and other purposes.

4. Data characterizing these objects (locations, cost, encumbrance, etc.) shall be the data for the record-keeping.

II. Procedure for the record-keeping of federal property

5. The record-keeping of federal property shall include a description of the object of the record-keeping with an indication of its individual specific features which shall definitively allow to distinguish it from other objects.

   ...

7. To record a federal property kept in possession of legal entities registered on the territory of the Russian Federation, the legal entity (the Applicant) shall deliver to a respective territorial body of the Ministry of the State-owned Property of the Russian Federation, or a body for the management of the State-owned property in the constituent entity of the Russian Federation empowered with the rights of a territorial body of the Ministry of the State-owned Property of the Russian Federation (here and after referred to as the Territorial body):

   a) the Application signed by the head of the legal entity for acquiring of a Certificate (here and after referred to as the Certificate) to enter the object of the record-keeping into the Register of Federal Property in accordance with the form provided for in Annex № 1;
   6) Property Recording Card (here and after referred to as the Recording Card) of the federal property in possession of the legal entity with a list of objects of real-estate filled in accordance with Annex № 2;
   b) copies of documents supporting the data on the object of the record entered into the Recording Card.

8. The territorial body shall register the Application on the day it was delivered and within a month shall execute an expert verification of the data and their entry into the database.

9. In case the territorial body has doubts as to the consistency of the data provided it has to notify immediately the Applicant accordingly who shall have the right within
one month to provide additional information; the time-limit for the recording shall be extended but not more than for a month after the day the additional information was delivered.

10. The territorial body shall adopt the decision to refuse to issue the certificate in case, if:
   a) it is revealed that the object of the recording is not a federal property;
   b) after the recording was suspended the Applicant has not provided the additional information within the established time-limit;
   c) the provided papers do not correspond to the requirements of the Russian Federation.

11. In case the decision to refuse to issue the Certificate is adopted, the Applicant shall be served a refusal notification (explaining the grounds for the refusal) within five days after the decision was adopted, and a copy of this notification together with the copies of the papers provided by the Applicant shall be sent to the Ministry of the State-owned Property of the Russian Federation. The Applicant shall have the right to appeal the refusal in accordance with the procedure established by the legislation, including by addressing it to the Ministry of the State-owned Property of the Russian Federation.

12. The object of the recording, which passed the procedure of the recording, shall be given the Register Number, and the Certificate shall be sent to the Applicant within five days after the number was given. In case the issuance of the Certificate is refused on the grounds specified in subparagraphs 10(6) and 10(a) of these Regulations, the object of the recording shall be given a Temporary Register Number.

13. Federal property not entered into the Register can not be alienated or encumbered.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
- Regulation No. 311 of 29 May 2003 of the Government of the Russian Federation: On the Order of Registration, Assessment and Disposition of the Property appropriated by the State (in Russian) (not reproduced)


**Code of Administrative Offences of the Russian Federation**

**NO. 195-FZ OF DECEMBER 30, 2001**

**Chapter 27. Taking Measures to Secure Proceedings in Cases Concerning Administrative Offences**

**Article 27.1. Measures to Ensure Proceedings in a Case Concerning an Administrative Offence**

1. For the purpose of terminating all administrative offences, identifying the offended, drawing up a record of an administrative offence where it is impossible to do it at the place of detection of the administrative offence, securing timely and correct consideration of a case concerning an administrative offence and carrying out the decision rendered, an authorized person shall be entitled within the scope of his authority to take the following measures to ensure proceedings in a case concerning an administrative offence:

1) delivery;
2) administrative detention;
3) personal examination, examination of things, inspection of the transport vehicle a natural person has with him, inspection of premises, territories, as well as of things and documents situated therein, which are in possession of a legal entity;
4) seizure of things and documents;
5) seizure from driving a transport vehicle of appropriate type;
6) technical examination in respect of an administrative offence;
7) detention of a transport vehicle, prohibition on operating it;
8) arrest of goods, transport vehicles and other things;
9) forcible arrest.

2. Damage caused by unlawful measures of ensuring proceedings in a case concerning an administrative offence shall be subject to indemnification in the procedure provided for by the civil legislation.

**Article 27.2. Delivery**

1. Delivery, that is, coercive forwarding of a natural person for the purpose of drawing up a record of an administrative offence, where it is impossible to do it at the place of detection of the administrative offence and where it is obligatory, shall be effected by the following persons:

1) by officials of internal affairs bodies (the police), when detecting administrative offences cases on which shall be tried under Article 23.3 of this Code by internal affairs bodies (the police), or when detecting administrative offences, for which cases internal affairs bodies (the police) shall draw up records of administrative offences under Item 1 of Part 2 of Article 28.3 of this Code, as well as when detecting any administrative offences in the event of an approach to them by the officials authorized to draw up records of administrative offences - to the official premises of an internal affairs body (the police) or to the official premises of a local self-government body of a rural settlement;
2) by military servants of the internal affairs troops of the Ministry of Internal Affairs of the Russian Federation, by officials of departmental security guard agencies and extra-departmental security guard agencies attached to internal affairs bodies, when detecting administrative offenses connected with causing damage to the object or articles under their guard or with an attack on such object or articles, as well as with penetration of the area under their guard - to the official premises of an internal affairs body (the police), to the official premises of a security guard agency or to the official premises of a subdivision of a military unit or of a control body of troops of the Ministry of Internal Affairs of the Russian Federation;
3) by military servants of the troops of the Ministry of Internal Affairs of the Russian Federation, when detecting administrative offences provided for by Article 19.3, by Articles 20.1 to 20.3, by Articles 20.5, 20.8, 20.13, by Articles 20.17 to 20.22 of this Code - to the official premises of an internal affairs body (the police) or to the premises of a local self-government body of a rural settlement;
4) by officials of the bodies which are entrusted with supervision or control over observance of the rules of using transport, when detecting administrative offences on transport - to the official premises of an internal affairs body (the police) or to any other official premises;
5) by officials of the military motor transport inspection, when detecting violations of the Traffic Regulations by the driver of a transport vehicle of the Armed Forces of the Russian Federation - to the premises of a commander's office or of a military unit;
6) by officials who are entrusted with supervision or control over observance of the law on environmental regulations.
protection, on protection of registered forestry and forests which are not included therein, of animal and fish resources, as well as over observance of fishing and hunting rules, when detecting administrative offenses in the appropriate areas - to the official premises of an internal affairs body, or to the premises of a local self-government body of a rural settlement, or to any other official premises;
7) by military servicemen of border guard agencies and frontier troops, by military servicemen of other troops (forces), by officials of internal affairs bodies (the police), as well as by other persons in discharge of their duties in respect of safeguarding the State Borders of the Russian Federation, when detecting administrative offenses related to protection and safeguarding of the State Borders of the Russian Federation - to the official premises of a staff officer or of a military unit or of a control agency of border guard agencies and frontier troops, or of other troops (forces), to the official premises of an internal affairs body (the police) or to the premises of a local self-government body of a rural settlement;
8) by military border guard agencies and frontier troops, when detecting administrative offenses in inland sea waters, in the territorial sea, on the continental shelf or in the economic exclusion area of the Russian Federation - to the official premises of a subdivision of a military unit or of a control agency border guard agencies and frontier troops, or of other troops (forces); to the official premises of internal affairs bodies (the police) situated at a port on the territory of the Russian Federation. Vessels and instruments used in committing an administrative offense, used for exercising unlawful activities in the inland sea waters, in the territorial sea, on the continental shelf or in the economic exclusion area of the Russian Federation, which ownership cannot be established by inspection, shall be subject to delivery to a port of the Russian Federation (foreign vessels shall be subject to delivery to one of the ports of the Russian Federation open to foreign vessels);
9) Abolished;
10) by officials of customs agencies, when detecting violations of customs rules - to the official premises of a customs agency;
11) by military servicemen and personnel of criminal punishment bodies, when detecting administrative offenses provided for by Articles 19.3 and 19.12 of this Code - to the official premises of a criminal punishment body or an internal affairs body (the police);
12) by officials of the bodies for control over the traffic of narcotics and psychotropic substances, when detecting the administrative offenses, which cases under Article 23.63 of this Code shall be tried by these bodies, or the administrative offenses, with regard to which said bodies in compliance with Item 83 of Part 2 of Article 28.3 of this Code shall draw up a record of administrative offense - to the official premises of a body for control over the traffic of narcotics and psychotropic substances or of an internal affairs body (the police);
13) Pardon shall be made within the shortest term possible.
14) As regards a delivery, a record shall be drawn up, or an appropriate entry shall be made to a record of an administrative offense or record of an administrative detention. The copy of the report of transportation shall be handed in to the transported person at his request.

Article 27.3. Administrative Detention

1. Administrative detention, that is, a short-term restraint on the freedom of a natural person, may be enforced in exceptional circumstances when it is necessary for ensuring correct and timely consideration of a case concerning an administrative offense and for carrying out a decision in a case concerning an administrative offense.
2. The following persons shall be entitled to effect an administrative detention:
1) officials of internal affairs bodies (the police) - when detecting administrative offenses for which cases shall be tried under Article 23.3 of this Code by internal affairs bodies, or when detecting administrative offenses for which cases internal affairs bodies (the police) under Item 1 of Part 2 of Article 28.3 of this Code, shall draw up records of administrative offenses, as well as when detecting any other administrative offenses in the event of an approach to them of officials authorized to draw up records of appropriate administrative offenses;
2) a senior official of a departmental security guard agency or extra-departmental security guard agency (subordinate to a federal executive authority), shall be kept in custody at the location of an object where in the presence of internal affairs troops of the Ministry of Internal Affairs of the Russian Federation - when detecting administrative offenses connected with causing damage to an object or articles under guard or connected with an attack on such an object or articles, as well as those connected with penetration of an area under their guard;
3) officials of the military motor transport inspectorate - when detecting violations of the Traffic Regulations by the driver of a transport vehicle belonging to the Armed Forces of the Russian Federation or the Ministry of Internal Affairs of the Russian Federation;
4) border guard agencies and frontier troops, officials of internal affairs bodies (the police) - when detecting administrative offenses in protection and safeguarding of the State Borders of the Russian Federation, as well as when detecting administrative offenses in the territorial sea, in the continental shelf, or in the economic exclusion area of the Russian Federation;
5) Abolished;
6) officials of customs agencies - when detecting violations of customs rules;
7) military servicemen and personnel of criminal execution bodies when detecting the administrative offenses provided for by Articles 19.3 and 19.12 of this Code;
8) officials of the bodies for control over the traffic of narcotics and psychotropic substances - when detecting the administrative offenses which cases under Article 23.63 of this Code shall be tried by these bodies, or the administrative offenses in respect of which said bodies in compliance with Item 83 of Part 2 of Article 28.3 of this Code shall draw up a record of an administrative offense;
9) where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
6. As regards a personal examination and an examination of personal effects, a record thereof shall be made or an appropriate entry shall be made in a record of a delivery or receive of an administrative detention. A record of a personal examination and of an examination of personal effects, shall indicate the date and place of it was drawn up, the office, family name and initials of the person who drew it up, information about the personal nature, subject of the personal examination, about the object of the examination, about the method of the personal examination, including type, trademark, model, calibre, series, number and other identification marks of weapons, about type and number of ammunition, about type and requisite elements of the documents found during the examination,
which the natural person has with him.
7. An entry shall be made in a record of a personal examination of a natural person and of an examination of personal effects by way of using photography, filming, videotape recording and other established ways of fixing material evidence. Materials, obtained as a result of a personal examination of a natural person and an examination of personal effects by way of using photography, filming, videotape recording and other established ways of fixing material evidence, shall be attached to an appropriate record.
8. The record of a personal examination of a natural person and of an examination of personal effects shall be signed by the official who has drawn it up, by the person who is on trial in connection with the administrative offense, or by the witnesses subjected to the examination, and, by either of those persons, or by the owner of the things subjected to an examination, refuse to sign such record, an appropriate entry shall be made therein. The copy of the report of personal examination of the belongings about the natural person shall be handed in to the owner of the belongings subjected to examination at his request.

Article 27.8. Inspection of Premises and Territories, as Well as of Things and Documents Situated Therein, Which Are Owned by a Legal Entity or by an Individual Businessman
1. The inspection of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, and used by them for business purposes, shall be carried out by the official who has drawn up the record of administrative offenses under Article 28.3 of this Code.
2. An inspection of premises and territories, as well as of things and documents situated therein, shall be carried out in the presence of a representative of the legal entity, of the individual businessman or his representative, and of two other attesting witnesses.
3. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
4. As regards an examination of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, a record thereof shall be drawn up indicating the date and place of it was drawn up, the office, family name and initials of the person who drew up the record, information about the appropriate legal representative or, if there is no other representative thereof, about an individual businessman or his representative, about inspected territories and premises, about the type, number and other identification marks of things, about the facts and requisite elements of the documents.
5. An entry shall be made in a record of an inspection of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, about using photography, filming, videotape recording or other established ways of fixing material evidence, shall be attached to an appropriate record.
6. As regards an inspection of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, a record thereof shall be drawn up by an office, family name and initials of the person who drew it up, by a representative of the legal entity or, in the absence of any other representative of the legal entity or a representative of the individual businessman, as well as by attesting witnesses. If a lawfully representative of a legal entity or any other representative thereof, an individual businessman or his representative refuses to sign such record, an appropriate entry shall be made therein. The copy of the record of the inspection of the premises and territories and of the belonging documents owned by the legal entity or by the businessman, shall be handed in to the lawful representative of the legal entity or to his other representative, to the business man or to his representative.

Article 27.9. Inspection of a Transport Vehicle
1. An inspection of any type of a transport vehicle, that is, an examination of a transport vehicle without destroying the structural integrity thereof, shall be carried out for the purpose of detecting instruments used in committing, or subjects of, an administrative offense.
2. An inspection of a transport vehicle shall be carried out by the persons indicated in Articles 27.2 and 27.3 of this Article in the presence of two attesting witnesses.
3. An inspection of a transport vehicle shall be carried out in the presence of the person who is the owner thereof. In pressing situations an inspection of a transport vehicle may be carried out in the absence of said person.
4. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
5. As regards an inspection of a transport vehicle, a record thereof shall be drawn up on an appropriate entry shall be made in a record of a personal examination of a natural person.
6. A record of an inspection of a transport vehicle shall indicate the date and place of drawing up the record thereof, the office, family name and initials of the person who drew it up, information about the person who owns the inspected transport vehicle, about the type, trademark, model, registration plates and about other identification marks of the transport vehicle, about the type, number and other identification signs of things, including type, trademark, model, callings, series, number and other identification marks of weapons, type and number of ammunition, about type and requisite elements of the documents detected during the inspection of the transport vehicle.

7. An entry about the use of photography, filming, videotape recording and other established ways of fixing material evidence shall be made in a record of a personal examination of a natural person.
8. A record of an inspection of a transport vehicle shall be signed by the official who conducted it, by the person, who is on trial in connection with a case concerning an administrative offense, and (or) the person who is the owner of the transport vehicle being inspected, as well as by attesting witnesses. If the person, who is on trial in connection with a case concerning an administrative offense, and (or) the person who is the owner of the transport vehicle being inspected, refuse to sign the record thereof, an appropriate entry shall be made therein.
9. The copy of the report of inspection of the motor vehicle shall be handed in to the person who possesses the motor vehicle which has been inspected.

Article 27.10. Seizure of Things and Documents
1. A seizure of things, which are instruments used in committing, or subjects of, an administrative offense, and of documents accepted as evidence in respect of a case concerning the administrative offense and detected on the scene of the administrative offense or during the conduct of a personal examination of a natural person, or their personal effects, or of a transport vehicle, shall be effected by the persons indicated in Articles 27.2, 27.3 and 27.4 of this Code in the presence of two attesting witnesses.
2. A seizure of things which are instruments used in committing, or subjects of, an administrative offense and of documents accepted as evidence in respect to the administrative case and detected during an inspection of the territories and premises owned by a legal entity and of goods, transport vehicles and other property it has, as well as a seizure of appropriate documents, shall be effected by the persons indicated in Article 28.3 of this Code in the presence of two attesting witnesses.
3. When committing an administrative offense which entails the deprivation of the right to drive a transport vehicle of appropriate type, a driver's license, a tractor driver-operator's license (a tractor driver's license), a navigator's license and a pilot's license shall be withdrawn from the driver, navigator or pilot, pending the issue of a decision concerning a case concerning an administrative offense, the administrative offense, the administrative defense, and a decision to seize a transport vehicle of appropriate type shall be granted thereby, pending the entry into legal force of the decision in respect of the case concerning the administrative offense.
4. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used, when effecting a seizure of things and documents.
5. As regards a seizure of things or documents, a record thereof shall be drawn up or an appropriate entry shall be made in a record of an administrative offense or in a record of administrative defense, as well as by the lawful representative of the legal entity or a representative of the individual businessman, as well as by attesting witnesses. If a lawfully representative of a legal entity or any other representative thereof, an individual businessman or his representative refuses to sign such record, an appropriate entry shall be made therein. The copy of the record of the seizure of things or documents shall be handed in to the lawful representative of the legal entity or to his other representative, to the business man or to his representative.
6. A record of a seizure of things or documents shall be signed by the official who drew it up, by the person whose articles and documents have been confiscated, as well as by attesting witnesses. If a record thereof has been confiscated, refuses to sign the record thereof, an appropriate entry shall be made therein. A copy of this record shall be served to the person whose articles and documents have been confiscated or to his representative.
7. An entry about the use of photography, filming, videotape recording and other established ways of fixing material evidence shall be made in a record of a seizure of articles and documents. Materials, gained during a seizure of articles and documentation, used in fixing material evidence, shall be attached to an appropriate record.
8. A record of seizure of articles and documents shall be signed by the official who drew it up, by the person whose articles and documents have been confiscated, as well as by attesting witnesses. If a record thereof has been confiscated, refuses to sign the record thereof, an appropriate entry shall be made therein. A copy of this record shall be served to the person whose articles and documents have been confiscated or to his representative.
9. Where necessary, confiscated articles and documents shall be packed and sealed at the place of seizure. Confiscated articles and documents, pending the consideration of the case concerning an administrative offense, shall be kept at the places determined by the person, who has effected the seizure of the articles and documents, in the procedure established by an appropriate federal executive body.
10. Confiscated firearms and cartridges, other weapons, as well as ammunition, shall be kept in a procedure determined by a federal executive body having authority in internal affairs.
11. Confiscated paraphernalia shall be delivered in the procedure established by the Government of the Russian Federation to appropriate organisations for sale, and where the sale thereof is impossible, they shall be destroyed. 12. Confiscated drugs, psychotropic substances, as well as psychoactive substances, products, which do not meet the obligatory requirements of standards, sanitary regulations and hygienic normative standards, shall be subject to processing or destruction in the procedure established by Government of the Russian Federation. Samples of drugs, psychotropic substances, psychoactive substances, alcohol-containing products, shall be kept, pending the entry into legal force of a decision in the case concerning the administrative offense.

Article 27.11. Assessed Value of Confiscated Articles and of Other Values
1. Confiscated articles shall be subject to assessment where:
   a. a rule of responsibility for an administrative offense provides for the imposition of an administrative penalty in
of an administrative offence, shall consist of drawing up an inventory of said goods, transport vehicles and other items, accompanied by the announcement to the person, against whom this measure of proceeding in a case concerning an administrative offence has been taken, or to a legal representative thereof, about an prohibition in disposing of (and, where necessary, using) them, and shall be enforced, when it is impossible to confiscate said goods, transport vehicles and other items and (or) their safeguarding may be secured otherwise, or when it is impossible to fulfill the prevent arrest thereof. Goods, transport vehicles and other items under arrest may be delivered for accountable safeguarding to other persons appointed by the official who has made the arrest thereof.

2. An arrest of goods, transport vehicles and other items shall be effected by the persons indicated in Article 27.3 and in Part 2 of Article 28.3 of this Code in the presence of the owner of the items and of two attesting witnesses.

In urgent situations an arrest of items may be effected in the absence of the owner thereof.

3. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.

4. A record shall be drawn up of an arrest of goods, transport vehicles and other items. The record of an arrest of goods, transport vehicles and other items shall indicate the date and place of drawing it up, the office, family name and initials of the person who drew it up, information about the person against whom this measure of proceeding was taken, the date and place of drawing up the record, information about the transport vehicle and about the person against whom this measure of proceeding was taken. A record of being taken from operating a transport vehicle, as well as the reason for an arrest of a transport vehicle in respect of alcoholic intoxication shall be signed by the official who drew it up and by the person against whom this measure of proceeding was taken.

5. A record of being taken from operating a transport vehicle in respect of alcoholic intoxication shall be signed by the official who drew it up and by the person against whom this measure of proceeding was taken.

6. A record of being taken from operating a transport vehicle in respect of alcoholic intoxication shall be signed by the official who drew it up and by the person against whom this measure of proceeding was taken.

7. A record of a medical examination in respect of alcoholic intoxication shall be attached to an appropriate record.

Chapter 30. Review of Decisions with Regard to Cases Concerning Administrative Offences

Article 30.1. Right to Appeal against a Decision in a Case Concerning an Administrative Offence

1. The persons, specified in Articles 25.1 to 25.5 of this Code, may appeal against a decision in a case concerning an administrative offence:

1) to a superior court, when it is rendered by a Judge;
2) to a district court at the location of a collegiate body, when it is issued by a collegiate body;
3) to a superior body, a superior official or a district court at the place of trying the case, when it is issued by an official;
4) to a district court at the place of trying the case, when it is issued by any other body established in compliance with a law of a subject of the Russian Federation.

2. When an appeal against a decision in a case concerning an administrative offence was received at a court, superior body or by a superior official, the appeal shall be considered within 3 days.

3. On the basis of the results of considering the appeal a decision shall be issued in this respect.

4. A decision in a case concerning an administrative offence, committed by a legal entity or by a person engaged in business activity without forming a legal entity, shall be appealed to an arbitration court in compliance with the law on arbitration proceedings.

5. A right to refuse the initiation of proceedings in a case concerning an administrative offence shall be appealed against in compliance with the rules established by this Chapter.

Article 30.2. The Procedure for Filing an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

1. An appeal against a decision with regard to a case concerning an administrative offence shall be filed to a judge, body, or official which issued the decision with regard to the case and which shall be obliged within three days, as of the date of receipt of the appeal, to send it together with all the materials of the case to the appropriate court, superior body or superior official.

2. An appeal against a decision of a judge to impose an administrative penalty in the form of administrative arrest shall be subject to submission to a superior court on the day of the appeal's receipt.

3. An appeal may be submitted directly to the court, or to the superior body, or to the superior official which is authorized to consider it.

4. Where consideration of an appeal does not fall within the jurisdiction of the judge or of the official, with whom a decision with regard to a case concerning an administrative offence has been appealed, the appeal shall be
submitted for consideration in compliance with the jurisdiction thereof within three days.
5. An appeal against a decision with regard to a case concerning an administrative offence shall be exempted from state duty.

Article 30.3. Term for Appealing against a Decision with Regard to a Case Concerning an Administrative Offence
1. An appeal against a decision with regard to a case concerning an administrative offence may be submitted within ten days, as of the date of delivery or receipt of a copy of the decision.
2. The term for the presentation of the appeal provided for by Part 1 of this Article, said term, on the petition of the person who has filed the appeal, may be restored by the judge or the official authorized to consider the appeal.
3. A ruling shall be issued in the case of the rejection of a petition for restoration of the term for appeal against a decision with regard to a case concerning an administrative offence.

Article 30.4. Preparing for Consideration of an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence
When preparing for consideration of an appeal against a decision with regard to a case concerning an administrative offence, a judge or an official shall do the following:
1) shall clarify, whether there are circumstances precluding the possibility of considering the appeal by this judge or official, as well as whether there are circumstances precluding proceedings on the case;
2) shall allow, on request, an expert examination, where necessary, demand and obtain additional materials, summon the persons whose participation in consideration of the appeal is regarded as necessary;
3) shall submit the appeal together with all the materials of the case for consideration in compliance with its jurisdiction, when consideration thereof does not fall within the jurisdiction of this judge or official.

Article 30.5. Terms for Considering an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence
1. An appeal against a decision with regard to a case concerning an administrative offence shall be subject to consideration within a ten-day term, as of the date of receipt thereof with all the materials of the case at the court, body, or the official, which is authorized to consider the appeal.
2. An appeal against a decision about an administrative arrest shall be subject to consideration within 24 hours, as of the moment of filing the appeal, if the person, brought to administrative responsibility, is under administrative arrest.

Article 30.6. Considering an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence
1. An appeal against a decision with regard to a case concerning an administrative offence shall be considered by a single judge or official.
2. When considering an appeal against a decision with regard to a case concerning an administrative offence:
1) it shall be announced who is considering the appeal, what appeal is subject to consideration, and who has filed the appeal;
2) the appearance of the natural person, of a lawful representative of the natural person, or of a lawful representative of the legal entity, in respect of which a decision with regard to the case has been issued, as well as the appearance of the persons, who have been summoned for participation in the consideration thereof, shall be ascertained;
3) the powers of lawful representatives of the natural person or of the legal entity, of a defense counsel and a representative shall be verified;
4) the reasons for failure of participations of proceedings in the case to appear shall be clarified, and a decision shall be taken to consider the appeal in the absence of said persons or to postpone consideration thereof;
5) the rights and duties of the persons, participating in the consideration of the appeal, shall be explained;
6) decisions regarding challenges and petitions made shall be taken;
7) the appeal against the decision with regard to the case concerning the administrative offence shall be announced;
8) the lawfulness and substantiation of the decision issued shall be verified on the basis of the materials of the case, including those additionally submitted, in particular, explanations of the natural person or of a legal representative of the legal entity, in respect of which the decision with regard to the case concerning the administrative offence, has been issued shall be heard; where necessary, testimony of other persons participating in the consideration of the case, explanations of a specialist and an opinion of an expert shall be heard, other evidence shall be examined and other procedural actions shall be committed, in compliance with this law;
9) if a prosecutor participates in the consideration of the case, his opinion shall be heard;
10) the judge and the superior official shall not be bound by the arguments of the appeal and shall verify the case.

in full.

Article 30.7. A Determination in Respect of an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence
1. On the basis of the results of considering an appeal against a decision with regard to a case concerning an administrative offence one of the following determinations shall be issued:
1) to reverse the decision and to terminate proceedings on the case in the presence of at least one of the circumstances provided for by Articles 2.9 and 2.45 of this Code, as well as when the circumstances, which have served as a basis for rendering the decision, are not proved;
2) to reverse the decision and to return the case for a new trial to the judge, body, or official authorized to try the case, where there are considerable failures to meet the procedural requirements provided for by this Code, if they have impeded the comprehensive, full and unbiased consideration of the case, as well as in connection with the fact that the judge or body, authorized to enforce a law on an administrative offence that entails the imposition of a stricter penalty, if the victim has appealed against the mildness of the imposed administrative penalty;
3) to reverse the decision and to direct it for consideration in compliance with jurisdiction thereof, if it was established during consideration of the appeal that the decision has been rendered by a judge, body, or official which is not authorized to do so.
2. A determination, taken on the basis of the results of considering an appeal against a decision with regard to a case concerning an administrative offence, shall contain the data provided for by Part 1 of Article 29.10 of this Code.
3. Where it has been clarified during consideration of an appeal against a decision concerning an administrative offence that consideration thereof does not fall within the jurisdiction of the given judge or given official, a ruling shall be issued to transfer the appeal for consideration in compliance with the jurisdiction thereof.

Article 30.8. Announcement of a Determination Rendered in Respect of an Appeal against a Decision in a Case Concerning an Administrative Offence
1. A determination in respect of an appeal against a decision in a case concerning an administrative offence shall be announced immediately after its rendering.
2. A copy of a determination rendered in respect of an appeal against a decision in a case concerning an administrative offence, shall within three days of its rendering, be handed in or sent to the natural person or to a lawful representative of the legal entity, in respect of which the decision with regard to the case has been rendered, as well as to the victim, if the victim has lodged the appeal, or to a prosecutor.
3. A determination in respect of an appeal against a decision about administrative arrest shall be brought to the knowledge of the person, or official which is to carry out the decision, as well as to the knowledge of the person, in respect of whom the determination has been rendered, and of the victim, on the day of rendering it.

Article 30.9. Review of a Determination in Respect of an Appeal against a Decision in a Case Concerning an Administrative Offence
1. A decision with regard to a case concerning an administrative offence, rendered by an official, and (or) a determination of a superior official in respect of an appeal against this decision may be appealed at a court at the place of considering the appeal and then at a superior court.
2. A decision with regard to a case concerning an administrative offence, which has been rendered by a collegiate body or by a body established in compliance with a law of a subject of the Russian Federation and (or) a determination of a judge in respect of an appeal against this decision, may be appealed at a superior court.
3. Submission of further appeals against a decision with regard to a case concerning an administrative offence and (or) against a determination In respect of an appeal against this decision, as well as consideration and settlement thereof, shall be carried out in the procedure and within the terms established by Articles from 30.2 to 30.6 of this Code.
4. Copies of decisions shall be directed to the persons indicated in Article 30.8 of this Code within a three-day term as of the date of rendering the decisions.

Article 30.10. Lodging a Protest against an Ineffective Decision in a Case Concerning an Administrative Offence and against Further Decisions
1. A prosecutor, in the procedure and within the terms, established by Articles from 30.1 to 30.3 of this Code, may protest against an ineffective decision with regard to a case concerning an administrative offence and (or) against further decisions of superior instances in respect of appeals against this decision.
2. Lodging of a protest against a decision with regard to a case concerning an administrative offence and (or) against further decisions in respect of appeals against this decision shall be considered in the procedure and within the terms established by Articles from 30.4 to 30.8 of this Code.
3. A copy of a determination in respect of a protest of a prosecutor against a decision in a case concerning an administrative offence shall be directed to the prosecutor who lodged the protest, and to the persons, indicated in Articles 25.1 to 25.5 of this Code, within a three-day term after rendering it.

Article 30.11. Review of an Effective Decision in a Case Concerning an Administrative Offence and Decisions Based on the Results of Considering Appeals and Protests

1. A prosecutor may lodge a protest against an effective decision with regard to a case concerning an administrative offence and decisions based on the results of considering appeals and protests.
2. Prosecutors of the subjects of the Russian Federation and their deputies, the Procurator-General of the Russian Federation and his deputies shall be vested with the right to lodge a protest against an effective decision with regard to a case concerning an administrative offence and a determination based on the results of considering an appeal or a protest.
3. Chairman of the Supreme Courts of the Russian Federation, the Federal Supreme Court of the Russian Federation and the Supreme Court of the Russian Federation and his deputies shall be authorized to review an effective decision with regard to a case concerning an administrative offence and determinations based on the results of considering appeals and protests.
4. An effective decision with regard to a case concerning an administrative offence and determinations based on the results of considering appeals may be reviewed in the exercise of supervisory powers by the Higher Arbitration Court of the Russian Federation in compliance with the laws of arbitration procedure.


Article 31.1 Entry into Legal Force of a Decision in a Case Concerning an Administrative Offence

A decision with regard to a case concerning an administrative offence shall enter into legal force:
1) upon the expiry of the term established for appealing against a decision in a case concerning an administrative offence, if an appeal or a protest has not been lodged against said decision;
2) upon the expiry of the term established for appealing against a determination in respect of an appeal or a protest, if an appeal or a protest has not been lodged against said determination, except for the instances when the determination reverses the decision rendered;
3) immediately after rendering a determination without appeal in respect of an appeal or a protest, except for the cases when the determination reverses the decision rendered.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- English translation

THE GOVERNMENT OF THE RUSSIAN FEDERATION

DECREES

26 February 1999 No.226

ESTABLISHMENT OF THE BRANCH SYSTEM OF MONITORING OF THE AQUATIC BIOLOGICAL RESOURCES, SUPERVISION AND CONTROL EXERCISED OVER THE FISHING VESSELS

For the purposes of protection of the economic security of the Russian Federation, effective usage, study and conservation of the aquatic biological resources of the internal waters, territorial sea, continental shelf, exclusive economic zone of the Russian Federation, Caspian and Azov seas, and supervision exercised over the fishing activity of the Russian vessels in the seas to which the jurisdiction of the Russian Federation does not extend, the Government of the Russian Federation decides as follows:

1. The State Committee for fishing matters shall create, on the basis of space observing systems (Argos, Inmarsat, Gomei, Kuris, Glonass, Navstar and others) and information technologies, a branch system of monitoring exercised over the aquatic biological resources, supervision and control exercised over the activities of the fishing vessels, both Russian and foreign, that fish search and catch aquatic biological resources, accept, process, transport, safe-keep and reload the production, supply the fishing vessels with fuel, water, food, package and other goods) and study sea resources in the internal sea waters, territorial sea, in the area of continental shelf and exclusive economic zone of the Russian Federation, in the Caspian and Azov seas, and also over the Russian vessels that fish aquatic biological resources and study sea resources in the high seas and in the exclusive economic zones of foreign countries.

3. Starting 1 January 2000 all foreign vessels that fish aquatic biological resources and study sea resources in the territorial sea, in the exclusive economic zone of the Russian Federation, in Caspian and Azov seas, shall be equipped with the monitoring systems. The Ministry of Foreign Affairs of the Russian Federation, the Federal Customs Service and State Committee for fishing matters in the second quarter of 1999 shall notify the foreign States that are parties to intergovernmental agreements on the fishing matters, that starting 1 January 2000 the licenses allowing fishing aquatic biological resources and study of the sea resources in the territorial sea, exclusive economic zone of the Russian Federation, in the Caspian and Azov seas, would be provided only to those foreign vessels that carry monitoring systems on board.
7. The State Committee for fishing matters shall cancel the licenses that were provided to
the vessels to fish aquatic biological resources, shall deprive those Russian and foreign
vessels indicated in paragraph 1 of the present Decree of fishing quotas for the period up
to two years in case if:
- the vessel does not carry monitoring system on board;
- the vessel carries monitoring system on board but provides no information regarding the
vessel location, the amount of aquatic biological resources on board and sea products,
including other information on fishing matters that should be transmitted to the regional
centers of the branch system of monitoring of the aquatic biological resources,
supervision and control exercised over the activity of the fishing vessels;
- violation by the Russian and foreign vessels of the procedure of passing through
checkpoints in the course of fishing aquatic biological resources or study of sea resources
in the exclusive economic zone of the Russian Federation.

(d) Further documents submitted by the Russian Federation on 24 July
2007 (continued):

- Set of documents:
  A. Protocol of the XXIII Session of the Russian-Japanese Joint
Commission on Fish Industry held from 12 to 19 March 2007 (in Russian)
  (not reproduced)
  - English translation of extracts
  B. Agenda of the XXIII session of the Joint Commission (in Russian) (not
  reproduced)
  - English translation of extracts
  C. Protocol of Russian-Japanese intergovernmental consultations on
issues of harvesting of Russian originated salmon by Japanese fishing
vessels in 200-mile zone of the Russian Federation in 2007 of 26 April
2007 (in Russian) (not reproduced)
  - English translation of extracts
  D. Agenda of the Russian-Japanese intergovernmental consultations on
issues of harvesting of Russian originated salmon by Japanese fishing
vessels in 200-mile zone of the Russian Federation in 2007 (annex 2 to the
Protocol of those consultations) (in Russian) (not reproduced)
  - English translation of extracts
  E. Annex 4-2 to the Protocol of intergovernmental consultations:
Guarantee (in Russian) (not reproduced)
  - English translation of extracts
  F. Memorandum II dated 26 April 2007 from the Department of Fisheries,
Ministry of Agriculture, Russian Federation, to the Department of
Fisheries, Ministry of Agriculture, Forestry and Fisheries, Japan (in
Russian) (not reproduced)
  - English translation
  G. Annex II-1 to Memorandum II: Penalties discharge guarantee (in
Russian) (not reproduced)
  - English translation of extracts
A. PROTOCOL
of the XXIII session of the Russian-Japanese Joint Commission on Fish Industry

1. In the period from 12 to 19 March 2007 in Moscow held the XXIII session of the Russian-Japanese Joint Commission on Fish Industry (hereinafter referred to as "the Joint Commission") which was previously named "The Soviet-Japanese Joint Commission on Fish Industry" and established under Article VII of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985 (hereinafter referred to as "the Agreement").

8. On paragraph 6 of the Agenda...

[Para.3] The Sides came to a common opinion that issues which relate to harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation are to be considered within the framework of the Russian-Japanese intergovernmental consultations held in accordance with the provisions of the Agreement between the Government of the USSR and the Government of Japan on Mutual Relations in the Field of Fisheries off the Coasts of the Two Countries of 7 December 1984 and with the Agreement between the Government of the USSR and the Government of Japan on the provisions of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985, and that the outcomes of those intergovernmental consultations are to be set forth in their Protocol.

B. Agenda of the XXIII session of the Joint Commission


C. PROTOCOL

1. In accordance with paragraph 3 point 8 of the Protocol of the 23rd session of Russian-Japanese Joint Commission on Fish Industry (hereinafter - the 23rd session of the Joint Commission) held in accordance with Article VII of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985 and based on the provisions of the Agreement between the Government of the USSR and the Government of Japan on Mutual Relations in the Field of Fisheries off the Coasts of the Two Countries of 7 December 1984 and Agreement


4. On paragraph 3 of the Agenda the Sides have adopted the Agenda of the Consultations (insert)

7. On paragraph 6 of the Agenda. The Sides exchanged views with each other upon the volume of quota, species composition and fishing area, as well as specific conditions of harvesting Russian originated salmon by Japanese vessels in 200-mile zone of the Russian Federation in 2007.

...The proposals of the Russian side as to harvesting Russian originated salmon by Japanese vessels in 200-mile zone of the Russian Federation in 2007 relating to species, zones and other fishing conditions are submitted in accordance with Annex 4.

9. On paragraph 8 of the Agenda.

The Sides have held consultations on measures for conservation of biological resources and other provisions and conditions established in laws and regulations of the Russian Federation related to the harvesting of Russian originated salmon in 200-mile zone of the Russian Federation.

The notification to the Government of Japan on these issues will be conveyed to the competent authority of Japan by the competent authority of the Russian Federation if necessary.

Representative of the Russian Side
Signed
A.Y.V. FOMIN

Representative of the Japanese Side
Signed
YAMASITA Dayan


...6. Consultations on issues relating to determination of the volume of quotas, species composition, fishing areas and specific conditions of fishing Russian originated salmon in 200-mile zone of the Russian Federation.

...8. Consultations on measures for conservation of biological resources and other provisions and conditions established by laws and regulations of the Russian Federation related to harvesting of the Russian originated salmons in 200-mile zone of the Russian Federation.
E. Annex 4-2

[to the Protocol of Russian-Japanese Intergovernmental Consultations]

1. Guarantee.

... 

F. To the Department of Fisheries of the Ministry of Agriculture, Forestry and Fisheries of Japan

MEMORANDUM II

Department of Fisheries of the Ministry of Agriculture of the Russian Federation presents its compliments to the Department of Fisheries of the Ministry of Agriculture, Forestry and Fisheries of Japan and in accordance with paragraph 8 of the Protocol of Russian-Japanese intergovernmental consultations on issues of harvesting of Russian originated salmon by Japanese fishermen vessels in 200-mile zone of the Russian Federation in 2007 signed 26 April 2007 in Moscow (hereinafter - Protocol), has the honor to convey enclosed to present Memorandum the information relating to Annex 4-2 of the Protocol.

Department of Fisheries of the Ministry of Agriculture of the Russian Federation

"26" April 2007

G. Annex II-1 (Extract)

[to the Memorandum II of the Department of Fisheries of the Ministry of Agriculture of the Russian Federation dated April 26, 2007]

PENALTIES DISCHARGE GUARANTEE

Me, , address to the head of * with request about earliest release of the further mentioned wrong-doer. The general amount of fine, compensation for incurred damage, cost of illegally harvested living resources, products of their processing, instruments of illegal harvesting (hereinafter referred to as "the penalties") amounting to rub. will be discharged according to regulations of the Russian Federation, on the basis of submitting of the present Guarantee to an authorized financial agency of the Russian Federation by using of irrevocable letter of credit (L/C) opened in the appropriate financial agency.

* title of competent authority of Russia whose official detected a breach of regulation

year month day

Notes:

1. The Japanese fishing organizations willing to use the present Guarantee, have to open, for the period of time indicated in their license as the time of harvesting, the irrevocable letter of credit in the authorized financial agency agreed upon with SMI of BS of FSS of Russia and, by having enclosed to it necessary documents, to submit it to SMI of BS of FSS of Russia.

2. In case of a relatively minor infringement, when the amount of penalties is below 100,000 US dollars, guarantee is valid within the limits of the amount of irrevocable letter of credit.

3. Exact procedure for opening of irrevocable letter of credit is established upon consultations between SMI and Japanese financial organizations.

4. When guarantee is not presented in accordance with Annex II-1, vessel and crew detained for violation of fishing order and rules in the EEZ of the Russian Federation, other provisions and conditions established by the Russian law (except cases when responsibility of such vessel and its crew are to be established by judiciary) are released upon posting of a reasonable bond comparable to the amount of fine, compensation for inflicted damage, cost of illegally caught living resources, products of their processing, instruments of committing offence (hereinafter referred to as "the penalties") to bank account specified by SMI.

5. Reasonable bond is considered as measure to secure the payment of the penalties. In cases where obligations on penalties' payment are not fulfilled, competent (authorized) bodies have the right to reimburse the amount of penalties by means of recovery of pledged money, securities, or property.
(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
Extracts of Decree No. 724 of 26 September 2000 of the Government of the Russian Federation: On Changes in Tariffs for Calculating the Compensation Rate for Damages Inflicted upon Water Biological Resources, together with extracts of Tariffs for Calculating the Compensation Rate for Damages Inflicted by Citizens, Legal Entities and Stateless Persons through Destruction, Illegal Fishing or Harvesting of Water Biological Resources (in Russian) (not reproduced)

- English translation

Translation. Original: Russian.

GOVERNMENT OF THE RUSSIAN FEDERATION

DEGREE N 724
of 26 September 2000

(Extract)

ON CHANGES IN TARIFS
FOR CALCULATING THE COMPENSATION RATE
FOR DAMAGES INFLICTED UPON WATER BIOLOGICAL RESOURCES

For the purposes of preservation of valuable water biological resources, including those entered in the Red Book of the Russian Federation, the Government of the Russian Federation orders:
1. To enter the following changes in the Decree of the Government of the Russian Federation N 515 of 25.05.1994 on Approval of Tariffs for Calculating the Compensation Rate for Damages Inflicted by Destruction, Illegal Fishing and Harvesting of Water Biological Resources (Compilation of Laws of the Russian Federation, 1994, N 6, Art. 604):
   5) To include the tariffs approved by the Decree in the new version (see the attachment).
2. To approve the attached tariffs for calculating the compensation rate for damages inflicted by citizens, legal entities and stateless persons through destruction, illegal fishing or harvesting of water biological resources which are entered in the Red Book of the Russian Federation in the internal fisheries, internal sea waters, territorial sea, continental shelf and exclusive economic zone of the Russian Federation.

Approved
By the Decree N 515 of the Government of the Russian Federation of 25.05.1994
(as amended by the Decree N 724 of the Government of the Russian Federation of 26 September 2000)

TARIFFS
FOR CALCULATING THE COMPENSATION RATE FOR DAMAGES
INFICTED BY CITIZENS, LEGAL ENTITIES AND STATELESS PERSONS
THROUGH DESTRUCTION, ILLEGAL FISHING OR HARVESTING OF WATER BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Water Biological Resources</th>
<th>Tariff (rubles) per specie regardless its size and weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anadromous, semi-anadromous and freshwater:</td>
<td></td>
</tr>
<tr>
<td>Summer salmon, spring salmon,</td>
<td></td>
</tr>
<tr>
<td>Amur autumn chum salmon, silver salmon, Siberian white salmon, taimen, sockeye salmon, Baltic salmon, Caspian salmon, Black Sea salmon</td>
<td></td>
</tr>
</tbody>
</table>

1,250 |
(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
Extracts of the Fisheries Regulations for the Far-East Fishing Basin (Annex to the Order of the Ministry of Agriculture, No. 151) of 1 March 2007 (in Russian) (not reproduced)
- English translation

FISHERIES REGULATIONS
FOR THE FAR-EAST FISHING BASIN
(Extract)

I. General Provisions

1. The Fisheries Regulations for the Far-East Fishing Basin govern fisheries activities of Russian legal and natural persons [...] in internal waters of the Russian Federation, its territorial waters and Exclusive Economic Zone within the Far-East Fishing Basin, as well as fisheries activities of foreign legal and natural persons in accordance with the Russian legislation and International Treaties concluded by the Russian Federation.

2. The Far-East Fishing Basin comprises [...] Pacific Ocean waters adjacent to the Eastern Kamchatka and the Kuril Islands including the basins of the flaying rivers [...].

3. The Fisheries Regulations govern:
- obligations of those harvesting water biological resources;
- list of the documents required to carry out fisheries;
- requirements to those harvesting water biological resources;
- areas/zones where fishing is prohibited;
- seasons when fishing is prohibited;
- species prohibited for exploitation;
- equipment and methods for harvesting water biological resources;
- minimal mesh size, parameters of fishing gear;
- allowable fish size and percentage of young fish in the catch;
- allowable percentage of fish of one species in the catch of other harvested species.

4. In case when International Treaties of the Russian Federation in the sphere of fisheries and conservation of water biological resources provide the rules different from the Fisheries Regulations the rules of the Treaties should apply.

II. Rules of harvesting water biological resources for the purposes of industrial fishing, including off-shore fishing, in territorial waters and Exclusive Economic Zone of the Russian Federation

1. Users’ obligations

7. While carrying out industrial fishing, including off-shore fishing, the users:
7.1. should provide:
- individual catch registration according to species of water biological resources, records of weight ratio of species in the catch, fishing gear and locations of fishing (region, sub region, harvesting zone, harvesting sub zone) in the log-book and in other reports;
- compliance with provisional requirements of satellite monitoring of Russian and foreign fishing vessels established by the Orders of the State Committee of Fisheries of the Russian Federation No. 336 of November 30, 1999 and No. 330 of November 22, 1999;

7.8. the Master of a fishing vessel or other person responsible for harvesting water biological resources shall:
- submit daily ship reports (DSRs) on fishing activities (the data included into these DSRs are to strictly correspond the vessel’s, harvesting and technological log-books. Copies of the DSRs certified by signature of the Master and his Seal shall be kept on board for one year since the moment of reporting);
- ensure integrity and comprehensiveness of the DSR database submitted to the control authority.

2. List of the documents required to carry out industrial fishing (including off-shore fishing)

8. The Master of the fishing vessel, team-leader or other person responsible for harvesting water biological resources shall have on board as well as on every fishing area:
- original license to harvest water biological resources, as well as further amendments to that license;
- harvest log-book;
- technological log-book (on board of those vessels that process the fish catch);
- text of this Regulations and other documents that regulates harvesting of water biological resources in the harvesting area;
- a statement of compliance to the technical requirements.
3. Provisions to be applied by users of water bio-recourses

9. Users of the water biological resources are not entitled:
9.1. to harvest water biological resources:
[...]
- in excess of the permitted catch quota in connection to harvesting area and species of water biological resources;
- in excess of the permitted catch quota as provided in the license to harvest water biological resources;
[...]
9.2. to take on board (or to hand in) and to have on board of a fishing vessel catch of one species of water biological resources (or processed catch thereof) under the name of other species or without specifying the catch composition, to take on board (or to hand in) the catches without weighing and/or piece-by-piece calculation.
9.3. to keep books and to submit information on catches of water biological resources with misrepresented data of factual catch, its species composition, fishing gear used for harvesting, periods of harvesting and methods of fishing, as well as without indication of the harvest area or with incorrect indication of the.
9.4. to have on board of fishing and other vessels and at the processing shop water biological resources not properly recorded at the harvest and technological log-books.
[...]

IX. Liability for violation of the Fishing Regulations

102. The users harvesting for water biological resources and guilty of violations of the Fishing Regulations shall be accountable under laws of the Russian Federation.
Federation and laws and other legal enactments of the constituent entities of the Russian Federation;

Article 4. State property rights to wildlife species
Wildlife in the territory of the Russian Federation shall be the property of the Russian Federation.

The Russian Federation shall have exclusive sovereign rights and exercise its jurisdiction on the continental shelf and in the exclusive economic zone of the Russian Federation as regards to wildlife species under the procedure established by this Federal Law, other federal laws and legal enactments of the Russian Federation as well as norms of international law.

... The following wildlife species can be considered as federal property:
Species inhabiting territorial sea, continental shelf and exclusive economic zone of the Russian Federation;

... The relations on possession, use and dispose of wildlife species shall be regulated by civil legislations inasmuch as they are not regulated by this Federal Law.

Chapter V. WILDLIFE USE

Article 33. Rights to wildlife species that are not their owners

... A user shall exercise all his/her rights to own and use wildlife species under the terms and within the limits established by law, license and contract with public authorities which provide corresponding territory, water areas for wildlife exploitation.

Article 34. Types and methods of wildlife use
Legal entities and citizens can exercise the following types of wildlife exploitation:
Fishing, including removal of aquatic invertebrates and marine mammals;
The wildlife use shall be exercised through removal of wildlife species from their habitat or without such extraction.

List of wildlife species which are prohibited for extraction from their habitat without a license, shall be subject to approval of designated authorities exercising protection, monitoring and management of the use of wildlife species and their habitat.

Article 35. Conditions of wildlife use
Wildlife species' users which remove wildlife species from their habitat in accordance with Part 4, Article 34 of this Federal Law shall pay a fee for the use of wildlife species in the amount and under the procedure established by the legislation of the Russian Federation on taxes and tariffs.

... The use of wildlife shall be exercised in compliance with federal and regional standards, rules, limits and normative standards elaborated in accordance with this Federal Law, other laws and legal enactments of the Russian Federation as well as laws and other legal enactments of the constituent entities of the Russian Federation.

... The wildlife use shall be exercised by legal entities and individual entrepreneurs under the license during the period specified in the license upon the agreement of the parties and depending on the type of wildlife use within the specified territory or water area.

Article 40. Rights and obligations of the wild life users
The wild life users shall have the right:
To use the objects of the wild life provided for the use;

... The wild life users shall be obliged:
To exercise only the types of the wild life use specified in the license;
To observe the established rules, norms and dates for the wild life use;

... to render assistance to public authorities in the protection of the wild life;

Chapter VIII. RESPONSIBILITY FOR VIOLATION OF LEGISLATION OF THE RUSSIAN FEDERATION ON THE PROTECTION AND USE OF WILD LIFE

Article 55. Administrative, civil legal and criminal responsibility for violation of legislation of the Russian Federation on protection and use of the wild life

Legal entities and citizens guilty of committing the following offences:
Violation of rules of hunting and fishing, as well as rules of exercising other types of the wild life use;
Violation of established procedure of issuing licenses for the wild life use and permits for removal of objects of the wild life out of their habitat,
Shall bear civil, administrative and criminal responsibility under the legislation of the Russian Federation.
Article 56. Responsibility of legal entities and citizens for the damage caused to objects of the wild life and their habitat

Legal entities and citizens who caused damage to the objects of wild life and their habitat shall compensate for the damage so caused voluntarily or through the judgement of the court or arbitration court in accordance with tariffs and methods for calculating damage to the wild life, and in their absence – according to actual cost of compensating for the damage caused to the objects of the wild life and their habitat taking into account the loss suffered, including missed profit.

Article 59. Confiscation of illegally taken objects of the wild life and tools for illegal hunting of objects of the wild life

The illegally taken objects of the wild life and the products, as well as the tools for illegal taking of objects of the wild life, including means of transportation are subject to free removal or confiscation in accordance with the procedure established under the legislation of the Russian Federation.

Removed or confiscated for free the objects of the wild life are subject to be returned to their habitat. The said objects of the wild life in cases when their physical condition shall not allow to return them to their habitat, as well as the products shall be subject to sale or destruction in accordance with the procedure established by the Government of the Russian Federation.

Removal or confiscation for free of objects of the wild life shall not absolve the citizens, legal entities who took the objects of the wild life illegally from an obligation to compensate for the damage caused to objects of the wild life and their habitat.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
- English translation

PLENARY SESSION OF
THE SUPREME COURT OF THE RUSSIAN FEDERATION

DECISION
5 November 1998 No 14

On practice of implementation by courts of legislation concerning liability for ecological offences

(Extract)

With a view to guarantee proper and uniform application by courts of legislation concerning liability for ecological offences, the Plenary session of the Supreme Court of the Russian Federation decrees:

1. To draw attention of courts to the importance of guaranteeing proper, uniform and efficient implementation of legislation concerning liability for the commitment of ecological offences. A high level of public dangerousness of this type of offences is due to the fact that the object of their encroachment is the stability of environment and of natural resources potential, as well as the right of everybody to favorable environment guaranteed by Article 42 of the Constitution of the Russian Federation.

[...]

15. When considering cases concerning violations of ecological legislation, courts should find out in every particular case the amount of damage inflicted. When determining the amount of compensation for ecological damage and calculating sums of damage caused by an ecological offence and subject to compensation, courts should be guided by the officially approved centralized methods of calculation and established rates, as well as by regional norms concretizing provisions of the federal legislation.

16. When deciding on whether the damage caused by an illegal catch of water animals and plants or by illegal hunting, is serious or not, courts should take
into consideration the amount of water animals and plants caught, damaged or destroyed, the natural occurrence of animals, their belonging to special categories, e.g. to rare and vanishing species, their ecological value, their importance for the particular habitat, game-preserve, as well as the other circumstances of an offence.

When a serious damage is inflicted by illegal catch of water animals and plants or by illegal hunting, courts should establish the causality between the actions of those who are guilty and their consequences.

At the same time, when evaluating the offences committed, courts should in every particular case not only proceed from the value of the catch and quantitative criteria, but also take into account the ecological damage, which is the damage inflicted in general to the fauna and flora.

[...]

For the proper evaluation of the ecological damage inflicted, a court can enlist the services of the relevant specialist.

[...].

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):


- English translation

CODE OF ADMINISTRATIVE OFFENCES
OF THE RUSSIAN FEDERATION

NO. 195-FZ OF DECEMBER 30, 2001

Adopted by the State Duma on December 20, 2001
Endorsed by the Council of Federation on December 26, 2001

Chapter 8. Administrative Offenses Concerning Environment Protection and Wildlife Management

Article 8.17. Violating the Terms (Standards, Norms) and Conditions of a License Regulating Activities in Internal Sea Waters, or in the Territorial Sea, or on the Continental Shelf and (or) in the Economic Exclusion Zone of the Russian Federation

1. Violating the rules (standards, norms) of safe prospecting, exploration and extraction of mineral (nonliving) resources, or of drilling works, or violating the terms and conditions of a license for water use, for regional geologic research, prospecting, exploration and extraction, as well as the rules (standards, norms) of use or protection of mineral (nonliving) resources of the internal sea waters, or the territorial sea, or the continental shelf and (or) the economic exclusion zone of the Russian Federation - shall entail the imposition of an administrative fine on officials in the amount of from one hundred to one hundred and fifty times the minimum wage with or without confiscation of the vessel and of other instruments of committing the administrative offence; and on legal entities in the amount of from one thousand to two thousand times the minimum wage with or without confiscation of the vessel and of other instruments of committing the administrative offence.
2. Violating the rules of catching (fishing) aquatic biological (living) resources and of protection thereof, or the terms and conditions of a license for water use, or of a permit (license) to catch aquatic biological (living) resources of the internal sea waters, or of the territorial sea, or of the continental shelf and (or) the exclusion economic exclusion zone of the Russian Federation - shall entail the imposition of an administrative fine on citizens in the amount of from half the cost to the full cost of aquatic biological (living) resources, which have become the subject of the administrative offence, with or without confiscation of the vessel and of other instruments of committing the administrative offence; on officials in the amount of from one to one and a half times the cost of aquatic biological (living) resources, which have become the subject of the administrative offence, with or without confiscation of the vessel and of other instruments of committing the administrative offence; and on legal entities in the amount of from twofold to threefold the cost of aquatic biological (living) resources which have become the subject of the administrative offence with or without confiscation of the vessel and of other instruments of committing the administrative offence.