

*Unofficial translation*

**On realization of recommendations contained in the review report prepared on the completion of the review of implementation by the Russian Federation of Chapter III «Criminalization and law enforcement» and of Chapter IV «International cooperation» of the United Nations Convention against corruption**

On the review report regarding the Russian Federation prepared in the issue of the review, some conclusions were drawn concerning the necessity to further improve the legislation and law enforcement in order to ensure their full compliance with the provisions of the Convention.

6 recommendations were given to the Russian Federation, which are already (at present) realized.

**It was recommended to try to find ways to draw to criminal liability persons culpable of preparations for committing not only serious or extremely serious offences but also at least offences of a medium level of seriousness connected with bribery or subornation of a person to give false testimony.**

In order to implement this recommendation the Prosecutor General's Office of the Russian Federation analyzed the Russian legislation and proposed several variants of amendments into the Criminal Code of the Russian Federation, which were discussed during the theoretical and practical Conference on «Counteracting acts of corruption: problems and perspectives», held on 9 December 2014 in the premises of the Prosecutor General's Office of the Russian Federation.

**It was recommended to the Russian Federation to draw a clear distinction between the notions of «offer» and «promise of a bribe».**

This recommendation was implemented by means of issuance of a joint information letter by the Prosecutor General's Office of the Russian Federation and the Investigative Committee of the Russian Federation of 20 June 2014 Nr. 86/3-42-2014/ИФ1802-14 regarding the notions of promise and offer of a bribe taking into account the provisions of the United Nations Convention against corruption, which was addressed to the prosecutors of the subjects of the Russian Federation, equated to them judge advocates, prosecutors of other specialized prosecutors' offices. The position laid down in that letter was also agreed with the Supreme Court of the Russian Federation.

Moreover in the Decision of the Plenum of the Supreme Court of the Russian Federation «On the judicial practice relating to bribery cases and other offences connected with corruption» of 9 July 2013 Nr. 24 an interpretation of issues of

qualification of promise and offer of a bribe was given in accordance with the existing judicial practice.

**It was advised to continue to develop a consecutive judicial practice and to consider the possibility of introducing amendments into the valid legislation in order to provide for the application of provisions relating to active and passive bribery in the State and the private sector to cases where an undue advantage is intended for a third party.**

For the purpose of implementing this recommendation a draft law was prepared «On introducing amendments to the Criminal Code of the Russian Federation with the view of raising liability for corruption», which lays down the application of liability norms for giving and receiving of a bribe and commercial bribery to cases where the property is transferred or property rights are given and the services pertaining to property are rendered not to an official or to a person who discharges managerial functions in a profit-making or other organization but in accordance with his/her instructions to third moral or legal persons. The draft federal law was submitted to the State Duma of the Federal Assembly of the Russian Federation (letter of 27 June 2014 Nr. 86/3-42-2014/Ид2122-14).

**It was advised that action should continue on the adoption of measures to improve further the specialist skills of investigators attached to the Investigative Committee of the Russian Federation responsible for investigating criminal cases involving corruption.**

In line with this recommendation the Investigative Committee of the Russian Federation issued a decree of 31 October 2013 Nr. 107/208p «On organization of work to implement recommendations contained in the review report prepared as a result of the review of implementation by the Russian Federation of Chapter III «Criminalization and law enforcement» and Chapter IV «International cooperation» of the United Nations Convention against corruption», which stipulates the adoption of additional measures by local and specialized investigatory bodies of the Investigative Committee of the Russian Federation aimed at further improvement of specialist skills of investigators regarding investigation of these offences. This body has also embedded in the work of local investigatory agencies anti-corruption guidelines, active work is being carried out with respect to the exchange of experience within the framework of seminars, conferences and «panel discussions» on the matter. An action is being taken in order to enlarge a number of investigators engaged in investigation of the most complicated with regard to investigation process corruption cases in such regions as Moscow and St.Petersburg, as well as Chelyabinskaya and Murmanskaya and other regions.

**It was recommended to continue to take steps towards concluding and implementing bilateral and multilateral agreements with other states in order to improve the effectiveness of various forms of international cooperation.**

This work is being carried out on a regular basis. Nonetheless, with respect to this recommendation an additional impetus was given to it. The Prosecutor General's Office of the Russian Federation has concluded 7 interagency agreements with corresponding competent authorities of Spain, China, Panama and Czech Republic, additional 6 drafts of this kind of agreements are being now negotiated with competent authorities of Azerbaijan, Great Britain, Moldova, Uzbekistan, Uruguay and South Africa.

Within a definite period of time some cooperation programmes with prosecutor offices of different states were adopted, which envisage conduct of events on issues relating to combating corruption, precisely with Vietnam, Greece, Italy, Republic of Cyprus, China, Rumania, Croatia and others.

Moreover the Ministry of Interior of the Russian Federation concluded in 2014 agreements on cooperation with equivalent competent agencies of Slovakia and Palestine which include provisions on counteracting corruption.

**It was recommended to Russia to continue to improve further the existing system for handling cases involving corruption offences in order to ensure that statistics and other practical information on international cooperation are systematically collected and used for the further improvement of the effectiveness of international cooperation mechanisms.**

To this end the Order of the Prosecutor General of the Russian Federation of 21 August 2014 Nr.431 «On amending the Prosecutor General's order of 24 January 2014 Nr.26 «On approval and enforcement of statistical report «Supervision of implementation of legislation on counteracting corruption and results of investigation of criminal offences relating to corruption offences» according to form K and guidelines for its composition» was issued, in line with which an official registered form was supplemented with one indicator «Cases regarding offences connected to bribery of foreign officials».

In accordance with the Order of the Prosecutor General of the Russian Federation of 26 November 2014 Nr.655 «On amending the Prosecutor General's order of 26 December 2013 Nr.553 «On approval of a form of federal statistical supervision Nr.1-KOPP» an agency-level report according to form «Information on the results of work of law enforcement bodies in combating corruption offences» was supplemented with an indicator concerning the quantity of preliminary investigated offences, connected to bribery of foreign officials.

**The Prosecutor General's Office of the Russian Federation**