

Information materials on issues to be discussed at the third meeting of the Open -ended Intergovernmental Working Group on the Prevention of Corruption (Vienna, 27 -29 August 2012)

The Presidium of the Council of the President of the Russian Federation for Countering Corruption has decided to establish a working group on issues of joint participation in countering corruption between representatives of the business community and State agencies attached to the Presidium of the Council of the President of the Russian Federation for Countering Corruption, which is chaired by the Minister of Economic Development of the Russian Federation, Ms. E. S. Nabiullina.

The main purpose of setting up the Working Group is to provide for the practical participation of business representatives in the activities to counter corruption being undertaken by federal State agencies.

It has been determined that the first task of the Working Group will be to develop measures to counter corruption in the business and investment fields, which will enable the business community to make its own contribution to anti-corruption work, including the question of how to eliminate the risks of corruption that can arise in the course of conducting business.

The Working Group is made up of representatives of federal State agencies and of leaders of the “big four” associations of the business community — the Chamber of Commerce and Industry of the Russian Federation, the Russian Union of Industrialists and Entrepreneurs, the national organization Delovaya Rossiya (“Business Russia”) — and the national organization of small and medium-sized businesses, Opora Rossii (“Support of Russia”).

In line with the approach chosen to fit in with the Working Group’s meeting schedule, each of these business associations has been assigned the task of considering the relevant issues and putting forward proposals on them. The business association responsible for drawing up proposals on a particular theme then gives thorough and detailed consideration to the position of the other business associations and works with the relevant members of the Working Group to establish a common position on behalf of the business community.

This organization of work means that it is possible to take into account the views of a wide range of representatives of business and at the same time keep the State’s interests in view with regard to regulating the economy.

It is worth noting that the Working Group promotes joint participation by representatives of the business community and State agencies in countering corruption in a number of important ways, including discussions on the following issues:

- The possibility and usefulness of regulating lobbying in the Russian Federation by law;
- The draft anti-corruption charter of the Russian business community, together with mechanisms and a timetable for implementing it.

These issues are of particular importance because they have a bearing on the measures taken under the National Anti-corruption Plan for 2012-2013, approved under Presidential Decree No. 297 of 13 March 2012.

We believe that these issues will be of particular importance when the implementation of article 12 of the United Nations Convention against Corruption is considered, including the question of public-private partnership.

Significant work is under way in the Russian Federation on implementing the provisions of articles 7 to 9 of the Convention.

Part III of the lists of posts in the federal civil service, approved under Presidential Decree No. 557 of May 2009, sets out the duties of civil servants in relation to the risks of corruption to which they are exposed.

Moreover, the Model Plan of the Federal Executive Authority on Countering Corruption, approved by a Government commission on administrative reform in September 2010, provides for the implementation by every department of a monitoring policy aimed at identifying civil servants the fulfilment of whose duties may involve a risk of corruption and at eliminating such risks and also measures to introduce a separate monitoring system with a view to identifying and eliminating the risk of corrupt activity in Government procurement.

All the federal State agencies have brought their departmental anti-corruption plans into line with the Model Plan.

Thus the unified system of monitoring by the Ministry of Economic Development of the implementation by federal State agencies of anti-corruption measures introduced by the Government of the Russian Federation includes a specific provision. Departments comply with this provision by assessing a State agency's functions under the relevant legislation in relation to the potential for corruption in the spheres of activity constituting a risk, as set out in Presidential Decree No. 557. This makes it possible to identify the proportion of senior officials within that State agency that are liable to corruption.

Federal Act No. 395-FZ on amendments to some legislative acts of the Russian Federation concerning the introduction of rotation in the State civil service was adopted in December 2011 and will enter into force on 1 January 2013.

The Act provides for the compulsory rotation every 3-5 years of federal State civil servants whose posts carry a higher risk of corruption, particularly those holding posts in the federal State civil service in the managerial category in regional agencies of the federal executive authority having control and oversight functions. If the bill is passed, at least 1,535 federal State civil servants will be subject to compulsory annual rotation.

The practice of rotating the managerial staff of regional bodies is already being introduced in federal executive agencies, including the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Internal Affairs, the Federal Penitentiary Service, the Federal Taxation Service and the Federal Customs Service. The proportion of civil servants serving in federal agencies appointed to civil service posts under the rotation system was 12.3 per cent in 2010, as against 11.7 per cent in 2009. This means that this indicator increased by 5 per cent in the period 1 January 2009 to 1 January 2010.

Federal Act No. 329-FZ on amendments to some legislative acts of the Russian Federation with a view to improving State management in countering corruption was adopted in November 2011, with a number of substantial amendments to the basic anti-corruption provisions in the legislation of the Russian Federation.

The Act provides, first, for the establishment of a mechanism to verify information on officials' income and assets by establishing a requirement to submit information to the country's taxation and registration bodies (the Federal Taxation Service and the Federal Service of State Registration, Cadastre and Cartography) and to banks and a procedure for conducting police investigations to verify the accuracy and completeness of such information.

Secondly, the Act considerably extends the range of people who are obliged to submit information about their income and assets and who are subject to a number of other anti-corruption restrictions in relation to such issues as conflicts of interests and notification of incidents of incitement to corruption offences. They include:

- Employees of State extrabudgetary funds (the Pension Fund of the Russian Federation, the Social Insurance Fund of the Russian Federation and the Federal Compulsory Medical Insurance Fund of the Russian Federation);
- Employees of State corporations;
- Employees of other organizations established by the Russian Federation on the basis of federal law, such as State funds and State companies;
- Employees holding specialized positions in organizations established to deal with the various issues facing federal State agencies.

It is planned in 2012 to develop and adopt subsidiary legislative acts and methodological recommendations with a view to the implementation of the provisions of Federal Acts Nos. 329-FZ and 395-FZ.

In order to enhance the level of information and create the potential for the effective introduction of ethical standards, Presidential Decree No. 561, adopted in May 2009, sets out the procedure for the placing of information about incomes on the official websites of federal agencies of the executive authority and making such information available to the national media for publication.

The official websites of State bodies publish information on the incomes of persons holding State positions, including the President of the Russian Federation, the Chairman of the Government of the Russian Federation and his deputies, federal ministers, members of parliament, judges, governors and persons holding other State positions and civil service posts. It should be noted that such information is posted at strictly regulated times (before 14 May of every calendar year) and the posting provides a considerable opportunity for the widespread dissemination of this information by the media, extensive commentary by experts in such matters and wide-ranging public discussion. All the federal State executive agencies have adopted codes of ethics and official conduct for public officials of the Russian Federation, drawn up in accordance with the Model Code of Ethics and Official Conduct for Officials of State and Municipal Agencies of the Russian Federation, which was adopted by a decision of the Presidium of the Council of the President of the Russian Federation for Countering Corruption in December 2010.

A vertically integrated system of anti-corruption legislative standards for public officials has thus now been instituted, operating at four levels.

First, the legislative level sets out the basic obligations of a civil servant, the restrictions and prohibitions applying to the civil service, the requirements for the official conduct of a civil servant and general rules for settling conflicts of interests and submitting information on incomes (the Federal State Civil Service of the Russian Federation Act No. 79-FZ of 27 July 2004, arts. 15-20) and also regulates a number of other issues relating to standards of conduct to counter corruption among public officials (the Federal Anti-corruption Act No. 273-FZ of 25 December 2008, arts. 8-12).

Secondly, there is subsidiary legislation in the form of Presidential Decree No. 885 of 12 August 2002 which sets out the general principles for the official conduct of civil servants.

Thirdly, the Presidium of the Council of the President of the Russian Federation for Countering Corruption adopted the Model Code of Ethics and Official Conduct for Officials of State and Municipal Agencies of the Russian Federation.

Lastly, at the level of federal ministries, federal services and federal agencies, all federal agencies answering to the Government of the Russian Federation and federal ministries have taken action in line with the Model Code to draw up and adopt departmental codes of ethics and official conduct, adapting the Model Code to the specific conditions of civil service employment in the department concerned.

In addition, with a view to extending the knowledge of civil servants concerning anti-corruption standards, in the light of the emphasis in the Model Plan on the need for such measures, departments have organized activities to provide all civil servants with training in accordance with Presidential Decree No. 885 and the departmental codes of ethics and official conduct for civil servants.

Moreover, in accordance with an instruction by the President of the Russian Federation, 1,000 federal civil servants engaged in the implementation of anti-corruption measures underwent a further educational training programme under a centralized procedure over the period July to November 2011. They were drawn from 74 federal State agencies and it may be noted that the number of those undergoing training doubled in comparison with 2010.

The educational programme focuses on the basic problems of applying the legislation on countering corruption and considers various approaches to the implementation of anti-corruption activity by the State agencies.

It should be noted in particular that, beginning in 2011, all educational plans of professional retraining or further training for federal civil servants have included a two-hour lecture on the theoretical, legal and organizational aspects of countering corruption.

In 2010 and 2011, further training in accordance with the educational programme on countering corruption was conducted in line with the annual instructions issued by the President of the Russian Federation.

The current proposal is to issue an edition of instructions by the President of the Russian Federation on this matter for the medium term, covering the years 2012-2014, the aim being that its implementation will involve further training for 1,000 federal State civil servants.

Furthermore, in 2012 and subsequent years, it is proposed that the timetable of the educational programme for further training in countering corruption will contain a greater proportion of practical work, including case studies.

A Presidential Decree on the federal programme entitled "Reforming and developing the civil service system in the Russian Federation (2009-2013)" adopted in March 2009 provides for the following targeted indicators for the implementation of the programme:

- The proportion of vacant posts in the civil service filled on the basis of a competition. Surveys carried out in 2010 established the following indicator values of 61 per cent in 2009 and 60.2 per cent in 2010. In other words, the stable figures for the two years in question show that over 60 per cent of vacant civil service posts are filled on the basis of a competition, which means that the procedure is open and transparent. The openness and transparency of these competitive procedures is assured by the fact that, in accordance with the requirements of Presidential Decree No. 112 of 1 February 2005, a committee running a competition is obliged to contain not less than 25 per cent of independent representatives of the expert community (from specialized and scientific organizations), who are required to ensure that the proceedings are fair and correct. It is also required that information on the holding of a competition should be advertised on the official websites of State agencies;

- The proportion of State civil servants of Government agencies who have successfully completed further training. The results of a survey in 2010 established the following statistics: in 2009 the proportion was 9.4 per cent, whereas in 2010 it was 31.4 per cent. That means that the indicator concerned increased by 2.34 times from 1 January 2009 to 1 January 2010. This testifies to a significant intensification of work to ensure that civil servants in a given post are suited to that post;
- During the period 1 January 2009 to 1 January 2010, the proportion of vacant civil service posts to be filled on the basis of appointment from the management reserve grew from 6 per cent to 10.2 per cent, that is, a rise of 70 per cent.

As part of the implementation of the Programme, the Ministry of Economic Development also, in 2011, introduced the concept of using competence as a criterion for filling civil service posts.

The concept of using the criterion of competence is based on the need to make a transition from having managerial civil service staff appointed on the basis of formal and general qualifications, whereby they met the requirements with regard to level of education, civil service rank or experience in a specialized field, to filling vacant civil service posts with candidates who meet the criterion of having a solid character, with the special areas of knowledge, ability and aptitude required for specific civil service posts, in the light of the needs of that particular post. The competence approach is based on identifying in civil servants the ability to achieve strategic targets and resolve tactical problems in the State agency concerned on the basis of knowledge, ability, aptitude, experience and other personal and professional qualities, but also motivation and a sense of values. What the application of the competence approach to the professional activities of civil servants should achieve is to develop models of competence that focus on the ability to resolve the specific problems that arise in the course of a civil servant's duties.

Competence models are becoming the basic instrument of organizing work with managerial staff in the Ministry of Economic Development. They are used to evaluate both members of the public — when a competition is held to fill vacant civil service posts or for inclusion on the roster — and civil servants, whether they are taking additional courses, entering a competition to fill a civil service place of a higher rank or seeking inclusion on the roster for promotion. The Ministry of Economic Development is currently, by agreement with the Civil Service and Personnel Directorate of the President of the Russian Federation, introducing competence models for use in all federal executive agencies.

The Ministry of Telecommunications is also actively pursuing a policy of developing and regularly conducting information programmes in the media aimed at raising the prestige of the civil service and promoting a positive attitude to the civil service on the part of the public.

In response to an instruction by the President of the Russian Federation, a federal management portal was set up in 2009, containing information about all vacant posts in federal executive agencies, including regional agencies. By April 2011, over 200 people had been appointed to the federal civil service in federal executive agencies on the basis of a curriculum vitae filled out on the portal on the Internet.

In 2011, the federal State information system entitled “Federal management portal” was set up. The Government approved a set of regulations governing it and set out the powers of federal State agencies for its operationalization. The Ministry of Health and Social Development and the Ministry of Telecommunications approved the rules governing this federal State information system.

In addition, work has been carried out since 2008 on establishing a reserve of managerial staff, under the direct patronage of the President (“the Presidential Thousand”). It should be noted, however, that the Presidential Thousand includes not only civil servants but also representatives of educational, scientific, commercial and non-governmental organizations. Persons forming part of the Presidential Thousand are

regularly appointed to State posts in the Russian Federation and also to the highest managerial positions in the civil service.

It should also be noted that the President's Chief of Staff issues an annual report of the composition of the managerial reserve in the armed forces and law enforcement agencies. Persons appearing in these reserves are regularly appointed to senior ranking posts and the highest managerial positions.