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INITIATIVE PROJECT OF THE FEDERAL LAW "ON AMENDMENTS TO THE CODE ON ADMINISTRATIVE OFFENCES OF THE RUSSIAN FEDERATION, FEDERAL LAW "ON THE PROCURATORATE OF THE RUSSIAN FEDERATION" AND ARBITRATION PROCEDURAL CODE OF THE RUSSIAN FEDERATION"

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Here are proposed the norms that introduce to administrative and tort legislation administrative responsibility of public civil servants, as well as the procedural norms to the federal legislation which are connected with the peculiarities of the case proceedings on administrative offences of public civil servants. In the project is proposed normative consolidation of time terms for consideration of certain categories of cases arising from public legal relations considered by an arbitration court, as well as other norms of anti-corruption orientation.

Key words: administrative responsibility, administrative offence, bringing civil servants to administrative responsibility, structures of administrative offences of civil servants.

Article 1

Introduce to the Code on Administrative Offences of the Russian Federation (Collection of Laws of the Russian Federation...) the following amendments:

1) part 1 of article 2.1 shall be amended as follows:

“1. Administrative offense – it is not an entailing criminal responsibility punishable violation of established by law directions in legal relations, the parties of which are not in the authority-based subordination or direct dependence, and compliance with these requirements is impelled by the norms of public law for the protection of the state or public order; property; health, rights and freedoms of individuals; established order of administration; as well as property rights and interests of legal entities.

Administrative misconduct is a such type of administrative offenses, for which at the time of its committing the law does not provide for administrative sanctions, or in the absence of the offender sign of guilt, as well as, when the offender is released from administrative responsibility by the law”.

2) chapter 2 should be added by article 2.1.1. of the following content:

“Article 2.1.1. Administrative Responsibility

Administrative responsibility is a social and legal category, which characterizes a degree of negative attitude of the state to a wrongful conduct of the participants in public and legal relations, expressed in the imposing to an offender of established by a special law penalties that are applied in the prescribed manner by authorized agencies and officials for the protection of public relations in the field of state administration and punishment of an offender.

Administrative sanctions should be imposed to persons guilty of committing an administrative offence in accordance with the current Code and relevant laws of subjects of the Russian Federation”.

3) article 2.4. shall be amended as follows:

“Article 2.4. Administrative Responsibility of Officials.

1. Under administrative responsibility should come such officials who as a result of non-performance or improper performance of his job duties committed an administrative offence or actions of this official resulted in committing an administrative offence by a legal entity.

2. As an official in the context of this Code shall be recognized a physical

person involved on a permanent or temporary basis, on behalf of collective subjects of law, in legal relations with other persons in accordance with the law, statutes, provisions or other organizational and legal documents of these collective subjects, and ones who perform organizational-management or administrative-economic functions or their part in a collective subject of law.

3. The members of the board of directors (supervisory boards), collegial executive bodies (management board, directorate), counting commissions, audit commission (auditors), liquidation of legal persons commissions and leaders of organizations implementing the functions of a sole executive bodies of other organizations must bear administrative responsibility as officials. Persons exercising functions of the member of a competition, auction, bidding, or a united commission created by a state or municipal customer, authorized body, and ones who committed administrative offenses provided for by articles 7.29-7.32 of this Code, shall bear administrative responsibility as officials. Persons engaged in entrepreneurial activities without forming a legal entity, who have committed administrative offenses, bear administrative responsibility as officials, unless this Code provides otherwise”.

4) chapter 2 should be added by article 2.4.1. of the following content:

“Article 2.4.1. Administrative Responsibility of a Public Civil Servant

1. Civil servant is a subject to administrative responsibility in case of committing an administrative offense with regard to non-performance or improper performance of his job duties, which resulted in the violation of the rights and interests of citizens, legal entities, and the prohibitions and requirements stipulated by law to public civil servants.

2. Public civil servant is a citizen of the Russian Federation, exercising on a fee basis professional official activities in the provided for by Consolidated Register of Posts of Public Civil Service of the Russian Federation position of public civil service in accordance with an act of appointment and a service contract.

Note. Public servant of another type of public service bears administrative responsibility as a public civil servant in cases where the law does not provide for another legal responsibility”.

5) article 2.10 should be added by part 10 of the following content:

“10. Collective subjects – participants of public legal relations, which are not legal entities under the law of the Russian Federation, bear responsibility for administrative offense as legal entities”.

6) in article 3.5:

a) first sentence of part 1 shall be amended as follows:

"1. Administrative fine it is a monetary penalty, calculated in the currency of the Russian Federation under normatively enshrined rules on the basis of laid down by the legislator level of property rights restriction as a sufficient measure to compulsion to lawful conduct of subjects of law in legal relations regulated by public law branches.

Administrative fine is established for citizens in an amount not exceeding five thousand rubles; for officials and civil servants – fifty thousand rubles; for legal entities – one million rubles, or can be expressed as a multiple of:"

b) chapter 1 should be added by clause 7) of the following content:

«7) monthly salary of an official, civil (municipal) servant or a monthly income of the person who committed an administrative offence.

7) article 4.5 should be added by part 8 of the following content:

"8. In the case of institution of a case concerning an administrative offence by a prosecutor or judge, when the grounds for instituting an administrative case are: special ruling of court (ruling of an arbitration court), a written application of citizens or a legal entity, indicating bringing to administrative responsibility a civil servant or an official of public civil service, and to this application are enclosed entered into legal force court decisions on administrative and legal disputes, in which has been proved the fact of illicit (illegal) actions (or inactions) and decisions of authorities (and their officials), the terms specified in part 1 of this article shall begin to run from the entry into force of judicial decisions on an administrative and legal dispute".

8) article 19.1. shall be amended as follows:

"Article 19.1. Arbitrariness.

1. Arbitrariness, that is, unauthorized exercise, contrary to a procedure established by a federal law or by any other normative legal act, of one's real or alleged right, which has not caused essential damage to citizens or legal entities -

shall entail a warning or the imposition of an administrative fine on citizens in the amount of from 500 RUR to 1000 RUR, and on officials and public civil servants in the amount of from 1000 RUR to 5000 RUR.

2. Committing an administrative offence, provided for by part 1 of this article, by an official or a public civil servant, who has been previously imposed an administrative penalty for similar administrative offence -

shall entail the imposition of an administrative fine in the amount of 5000 RUR or disqualification for up to six months".

9) chapter 19 should be added by articles 19.7.7, 19.34-19-52 of the following content:

"Article 19.7.7. Violation of the Terms of Information Submitting and Failure to Submit Information.

1. Delays in providing a citizen with information or collected in the prescribed manner documents, materials directly affecting the rights and freedoms of the citizen, or the provision the citizen of incomplete or deliberately unreliable information -

shall entail the imposition of an administrative fine on public civil servants in the amount of from 500 RUR to 1000 RUR".

2. Delays in providing a legal entity with information or collected in the prescribed manner documents, materials directly affecting the rights and economic interests of the entity, or the provision of incomplete or deliberately unreliable information -

shall entail the imposition of an administrative fine on public civil servants in the amount of from 500 RUR to 1000 RUR".

3. Refusal to provide a citizen or legal entity information or collected in the prescribed manner documents, materials that are in accordance with established procedures can and should be provided on request of citizens, legal entities -

shall entail the imposition of an administrative fine on public civil servants in the amount of from 1000 RUR to 5000 RUR".

Article 19.34. Violation of Established Prohibitions in Public Civil Service.

1. Violation by public civil servants during going through the public civil service of the established by the legislation of the Russian Federation prohibitions related to the deriving of material gain or income -

shall entail a warning or the imposition of an administrative fine in the amount of from 500 RUR to 1000 RUR.

Article 19.35. Illegal participation in Entrepreneurial Activities.

The establishment by a public civil (municipal) servant an organization carrying out enterprise activity, or participation in the management of such an organization in person or by proxy, contrary to the prohibition established by law, if such actions are related with the provision to such an organization benefits and advantages or with other forms of protection -

shall entail the imposition of an administrative fine in the amount of 5000 RUR or disqualification for up to six months.

Article 19.36. Violations of Financial Control Measures.

1. Failure to provide or providing incomplete or unreliable declarations on income, property and other information provided for by the legislation of the Russian Federation, including one on combating corruption, by persons who are candidates for public office or the position related to the implementation of state or similar functions, as well as by husband (wife) of such persons -

shall entail the warning on persons who are candidates for public office in the amount of from 500 RUR to 1000 RUR.

2. Failure to provide, late submission or providing incomplete or unreliable declarations on income, property and other information provided for by the legislation of the Russian Federation, including one on combating corruption, by persons who hold public office, as well as by husband (wife) of such persons -

shall entail the imposition of an administrative fine on a person who holds public office in the amount of from 1000 RUR to 5000 RUR.

3. The repeated commission of actions specified in part two of this article, - shall entail the disqualification of a person who holds public office for a period from six months to one year.

Article 19.37. Giving a Public Civil Servant an Illicit Material Reward.

1. Giving by an individual or legal entity a public civil (municipal) servant an illegal reward, gifts, benefits or services, if the deed does not contain elements of a criminal offense -

Shall entail the imposition of an administrative fine on persons who give and who receive material reward in the amount of the material reward or the value of gifts, benefits, services.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

Shall entail the imposition of an administrative fine at double size of the provided for in part 1 of this article.

Note. Individuals and legal persons, who gave a public civil servant illegal reward, gifts, another material possessions, services, benefits or advantages, should not be brought to responsibility if in respect of them had been the case of extortion by the mentioned public civil servant, or if these individuals, legal entities voluntarily within ten days reported about the incident to the competent authorities.

Article 19.38. Illegal Hiring of Public Civil Servants.

1. Hiring by the head of a legal entity or by an individual entrepreneur of

persons who are in the public civil service, in violation of the restrictions established by the current legislation of the Russian Federation -

shall entail the imposition of an administrative fine in the amount of from 5000 RUR to 10,000 RUR.

2. Hiring by the head of a public authority included in the system of Public Civil Service of persons with unexpired disqualification that was imposed as an administrative penalty of a public civil servant of the Russian Federation -

shall entail the imposition of an administrative fine on the head of a public authority in the amount of from 5000 RUR to 10,000 RUR.

Article 19.38.1. Obstruction of the Exercising of the Equal Rights on Access to the Public Civil Service

1. Demanding to the candidate for the post of a public civil (municipal) servant, the requirements which are not stipulated by law and qualification criteria not approved in the prescribed procedure -

shall entail the imposition of an administrative fine in the amount of from 5000 RUR to 10,000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official for a period from six months to one year.

Article 19.39. Impeding the Lawful Activity of a Lawyer.

Impeding by an official of the public civil (municipal) service the lawful activities of a lawyer or college of lawyers, lawyer's college, legal aid agency expressed in non-submission or refusal of submission to the deadlines stipulated by law upon written request of the necessary documents, materials or information needed to carry out their professional duties, if these actions do not have the elements of a criminal offense -

shall entail the imposition of an administrative fine on officials in the amount of from 1000 RUR to 5000 RUR and on public civil servants in the amount of from 500 RUR to 1000 RUR.

Article 19.40. Impeding the Activity of Public Associations.

Impeding the lawful activities of public associations by an official of the public civil (municipal) service, as well as interference in the legitimate activities of these associations by a public civil servant with use of his official position, which has caused a significant violation of their rights and legitimate interests -

shall entail the imposition of an administrative fine on a public civil servant in the amount of from 500 RUR to 1000 RUR

Article 19.40.1. Illicit Interference of Officials in Entrepreneurial Activity.

1. Unlawful interference of state bodies' officials engaged in supervisory and monitoring functions, as well as local executive bodies in the activities of individual entrepreneurs, legal entities through the adoption of illegal acts and giving illegal orders, which prevent business activities -

shall entail the imposition of an administrative fine in the amount of from 5000 RUR to 10000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the imposition of an administrative fine in the amount of from 10000 RUR to 50000 RUR or disqualification of an official.

Article 19.41. Official Forgery.

1. Official forgery, that is, the introduction by an official of false information in official documents, as well as the introduction to the said documents corrections that distort their actual content, if these deeds had been committed out of mercenary or other personal interest and led to the violation of the rights and legitimate interests of citizens and legal entities, or legally protected interests of society or the state -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

2. Seizure by an official of documents proving the innocence of individuals or legal entities from the case materials on a tax or administrative offence, as well as concealment of such evidence -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

3. The actions referred to in part 1 and 2 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from six months to one year.

Article 19.42. Loss of Documents.

Deliberate damage or destruction of documents of cases on administrative

and tax offenses, or careless storage of these documents, resulting their loss – shall entail a warning or the imposition of an administrative fine in the amount of from 1000 RUR to 5000 RUR.

Article 19.43. Compulsion to Giving Testimony.

Compulsion a citizen or official, who is a party to an administrative process, to testify, or an expert or specialist to give an opinion or testimony through intimidation, blackmail or other unlawful actions by an official –

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant – from 500 RUR to 1000 RUR.

Article 19.44. Violation of the Procedures of State Control (Supervision).

Violation of procedures (activities) of state control stipulated by the current legislation, if such violations have led to the infringement of the legitimate interests and rights of citizens and legal persons –

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant – from 500 RUR to 1000 RUR.

Article 19.45. Failure to Take Measures under a Special Ruling, Court Decision, Recommendation of a Prosecutor, Investigator or Inquirer.

1. Dismissing by an official of the public civil (municipal) service without a hearing on the merits a special ruling, court decision, recommendation of a prosecutor, investigator or inquirer or the failure to take measures to eliminate the mentioned in them violations of law, as well as ill-timed response to the special ruling, decision or recommendation –

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant – from 500 RUR to 1000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty –

shall entail the disqualification of an official or public civil servant for a period from six months to one year.

Article 19.46. Failure to Execute Judicial Acts, Decisions of Authorities (Officials) that are Authorized to Consider Cases on Administrative Offences –

1. Evading execution of demands of judicial acts, decisions, authorities (officials) that are authorized to consider cases on administrative offences, if these actions do not contain the elements of a criminal offence -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from six months to one year.

Article 19.47. Neglect of Duty.

1. Neglect of duty, that is, non-performance or improper performance by public civil (municipal) servants of their duties because of the careless or negligent attitude to the service if this causes the damage or substantial violation of the rights and lawful interests of citizens or legal entities, or legally protected interests of society or the state, but does not cause harm to the life and health of citizens -

shall entail the imposition of an administrative fine on a public civil servant in the amount of from 1000 RUR to 5000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from six months to one year.

Article 19.48. Abuse of Official Powers.

1. The use by a state civil (municipal) servant of his official powers against the interests of the service, if this deed is committed for mercenary purposes or other personal interest and causes a substantial violation of the rights and legitimate interests of citizens and legal entities, or legally protected interests of society or the state, but does not cause damage to citizens' life and health -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from one year to three years.

Article 19.49. Exceeding of Official Powers.

1. Commission by an official of the public civil (municipal) service of actions which transcend the limits of his powers and which involve a substantial violation of the rights and legitimate interests of individuals or legal entities, or the legally-protected interests of society and the state, but do not cause damage to citizens' life and health -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

2. The actions referred to in part 1 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from six months to one year.

Article 19.50. Unlawful Bringing to Responsibility.

1. Imposition of an administrative penalty, as well as bringing to administrative responsibility in violation of the limitation period, secondarily for the same offense, outside the limits established by law, and also in the absence of fault -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR.

2. Tax prosecution in the circumstances excluding bringing to responsibility for committing a tax offenses, or re-bringing to responsibility for the same tax offense -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR, on a public civil servant - from 500 RUR to 1000 RUR.

2. The actions referred to in part 1 and 2 of this article committed repeatedly within one year after the imposition of an administrative penalty -

shall entail the disqualification of an official or public civil servant for a period from one year to three years.

Article 19.51. Adoption and Application of an Unlawful Normative Legal Act.

1. Adoption by an official of the state (municipal) body of knowingly unlawful legal act affecting the rights, freedoms and duties of individuals, legitimate interests of economic entities and the state, contrary to the Russian Constitution or federal laws -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR.

2. Knowingly unlawful application by officials of state bodies, as well as by local representative and executive bodies of normative legal acts, which expired in the prescribed manner, has been recognized by court as invalid, officially unpublished in the prescribed manner, or the applying of which has been suspended by the authorized bodies, as well as acts that have not passed the state registration in justice agencies -

shall entail the imposition of an administrative fine on an official in the amount of from 5000 RUR to 10,000 RUR.

Article 19.52. Unlawful Transfer of Control and Supervisory Functions.

Unlawful transfer by officials of state bodies of control and supervisory functions to unauthorized persons -

shall entail the imposition of an administrative fine on an official in the amount of from 1000 RUR to 5000 RUR".

10) in part 1 of article 23.1:

a) after the words "articles 19.7.5-1", should be added "19.7.7";

b) after the words "19.32", should be added "19.34-19-52".

11) to part 1 of article 25.1 should be added a note as follows:

"Note. The person, the procedural status of which is specified in part 1 of this article, and who refers to the individual subjects of law, in chapters 29 and 30 of this Code by is referred to as a physical person".

12) in article 28.1:

a) part 1 should be added by clause 6) of the following content:

"6) special ruling of court or ruling of arbitration court issued in the case, which arises from public legal relations, in the resolution which has been established the fact of violation of legality by a public authority or its official";

b) part 2 shall be amended as follows:

"2. Materials, notices, applications and rulings of court specified in parts 1 and 1.1 of this article should be considered by officials authorized to draw up reports on administrative offenses, as well as by persons authorized to instigate proceedings on administrative offences";

c) part 3 should be added with the following proposal:

"If there is a reason provided for in clause 6) of part 1 of this article, the case on an administrative offence must be instituted by a prosecutor or judge.

“If the reason for institution of a case concerning an administrative offence is a written application of citizens or a legal entity, indicating bringing to administrative responsibility a civil servant or an official of public civil service, and to this application are enclosed entered into legal force court decisions on administrative and legal disputes, in which has been proved the fact of illicit (illegal) actions (or inactions) and decisions of authorities (and their officials), the case on an administrative offence may be instituted by a prosecutor or judge”;

d) clause 5) of part 4 shall be amended as follows:

“5) issuing by a judge of a ruling on preparing a case for court proceedings”;

13) part 1 of article 28.2 shall be amended as follows:

“1. About the committing of an administrative offense should be drawn up a record, except in the cases provided for in article 28.4, parts 1, 1.1 and 3 of article 28.6 of this Code, as well as cases of institution of an administrative case in connection with the issuing by a judge of a ruling on preparing a case for court proceedings”

14) part 2 of article 28.3 should be added by clause 96) of the following content:

“96) officials of the public service management bodies, - on administrative offenses provided for in articles 19.1, 19.7.7, 19.34-19.36, 19.38.1-19.52 of this Code”.

15) part 1 of article 28.4 shall be amended as follows:

“1. Cases on administrative offenses provided for by articles 5.1, 5.7, 5.21, 5.23-5.25, 5.39, 5.45, 5.46, 5.48, 5.52, 5.58-5.63, 7.24, part 2 of article 7.31, articles 12.35, 13.11, 13.14, 13.27, 13.28, parts 1 and 2 of article 14.25, article 14.35, by part 1 of article 15.10, article 19.1, part 3 of article 19.4, articles 19.6.1, 19.7.7, 19.9, 19.28, 19.29, 19.32-19.52, 20.26, 20.28, 20.29 of this Code, shall be instituted by a prosecutor. When exercising supervision over the compliance with the Constitution of the RF and obedience of laws in force in the Russian Federation, the prosecutor is also entitled to institute a case on any other administrative offense, the responsibility for which is borne by an official or civil servant in accordance with this Code or the law of a subject of the Russian Federation”.

16) part 1.1 of article 29.6 shall be amended as follows:

“1.1. A case on an administrative offence is considered within two months of receipt by the judge, competent to hear the case, the record of the administrative

offense (prosecutor's decision for instituting proceedings), and other materials of the case, as well as the special ruling of court (ruling of arbitration court) or a written application of a citizen or legal entity that meets the requirements of part 3 of article 28.1 of this Code"

Article 2

Introduce to the Federal Law "On Office of Public Prosecutor of the Russian Federation" (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, 1992, no. 8, p. 366; Collection of Laws of the Russian Federation ...) the following amendments:

1) in part 2 of article 1 after the words "coordination of law enforcement agencies to combat crime;" should be added "administrative prosecution in accordance with powers established by the Code on Administrative Responsibilities of the Russian Federation;"

2) article 26 should be added by part 3 of the following content:

"3. In cases on administrative offenses instituted by a prosecutor in respect of officials, the prosecutor does not exercise supervisory functions with regard to compliance with the rights and freedoms of the citizen, who holds the position of the public civil (municipal) service and is accused of committing an administrative offense".

Article 3

Introduce to the Arbitration Procedural Code of the Russian Federation (Collection of Laws of the Russian Federation ...) the following amendments:

1) article 112 should be added by part 4:

"4. Resolution of questions about the distribution of court costs in cases arising from administrative and other public legal relations is made within a period not exceeding two months, including the timing of postponement consideration of the case".

2) article 189 shall be amended as follows:

"Article 189. Time Terms for Consideration and Resolution of Cases

1. Cases arising from administrative and other public legal relations are considered and resolved within one month from the date of completion of preparing a case for court proceedings.

2. For certain categories of cases arising from administrative and other public legal relations, the law may establish other terms.

3. Term for postponement of consideration cases arising from administrative and other public legal relations cannot exceed ten working days plus time to post written evidences, if there are any in a city different from one, where the party that obliged to provide the evidences is.

Note. Total number of proceeding's postponements at first instance of arbitration court on the petition of one party of the process should not exceed three times".

3) chapter 22 should be added by article 189.1 of the following content:

"article 189.1. Peculiarities of Considering and Resolving of Cases

1. Cases arising from administrative and other public legal relations are considered under the general rules of action proceedings provided for in this Code, with the peculiarities established in this section, unless other rules of administrative proceedings provided for by the federal law.

2. Application on cases arising from administrative and other public legal relations are submitted to arbitration court under the general rules of jurisdiction provided for in this Code, unless this section stipulates otherwise.

3. The burden of proving the circumstances that led to the adoption of the contested act, legitimacy of contested decisions and actions (inaction) of state bodies, local self-government authorities and other bodies, organizations empowered by federal law with certain state or other public powers, officials is entrusted to the bodies and persons who have taken the disputed act, decision, have committed the disputed actions (inaction).

4. The actual data presented by bodies or persons who have taken the disputed act, decision, have committed the disputed actions (inaction) are recognized by the court inadmissible as evidences, if they have been obtained in violation of the law through deprivation or restraint of legal rights of persons involved in the case or in violation of other rules of the arbitration proceedings when preparing the case for court proceedings or during the court session on the case, which have affected or could affect the reliability of the obtained actual data, including the following:

- 1) use of violence, threats, deception, as well as other unlawful acts;
- 2) use of delusion of the person involved in the case, in respect of his/her

rights and duties, arising from the lack of explanation, its incomplete or incorrect explanation to this person;

3) carrying out proceedings by a person that does not have the right to carry out proceedings on the case;

4) participation in the proceedings of the person subject to recusation;

5) significant breach of procedure of legal proceedings;

6) evidences from an unknown source or from a source that cannot be determined at the hearing;

7) use in the course of proving methods that are contrary to current scientific knowledge.

5. Inadmissibility of the use of actual data as evidences, as well as the possibility of their limited use in the proceedings on a case is established by a court on its own initiative or upon a petition of parties involved in the case.

6. Evidences obtained in violation of law are considered as not having legal effect and cannot be the ground of court judgments and also be used in proving any circumstance relevant to the case.

7. Actual data obtained with the violations provided for in the first part of this article may be used as evidences of the fact of relevant violations and guiltiness of persons who have committed them.

8. Evidences of circumstances that have not been laid down to the basis of contested decisions and actions (inaction) are inadmissible in the case on disputing the legality of decisions and actions (inaction) of state bodies, local self-government bodies, other bodies and organizations, which are lodged by federal law with certain state or other public powers.

9. At making decisions on cases arising from administrative and other public legal relations, and the determination in the course of judicial proceedings violations of legitimacy by state bodies, local self-government bodies, other bodies and organizations, which are given by federal law certain state or other public powers, officials who have taken a disputed act, decision, have committed disputed actions (inaction), a court may issue an order and transfer it to an appropriate organization or officials that are required to report within a month on the measures they have done".

4) part 2 of article 201 should be added by the sentence of the following content:

"The copy of such a decision of arbitration court is to be sent to prosecutor within five days".