



Strasbourg, 24 February 2012

Opinion no. 661 / 2011

CDL-REF(2012)011
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

FEDERAL LAW

ON THE FEDERAL SECURITY SERVICE¹

OF THE RUSSIAN FEDERATION

¹ Unofficial translation provided by the Council of Europe.

Translation from Russian

3 April 1995

No. 40-FZ

RUSSIAN FEDERATION
FEDERAL LAW
ON THE FEDERAL SECURITY SERVICE

Adopted
by the State Duma
on 22 February 1995

(as per Federal Laws No. 226-FZ of 30.12.1999,
No. 135-FZ of 07.11.2000, No. 49-FZ of 07.05.2002,
No. 116-FZ of 25.07.2002, No. 4-FZ of 10.01.2003,
No. 86-FZ of 30.06.2003, No. 122-FZ of 22.08.2004,
No. 15-FZ of 07.03.2005, No. 50-FZ of 15.04.2006,
No. 153-FZ of 27.07.2006, No. 124-FZ of 05.07.2007,
No. 211-FZ of 24.07.2007, No. 328-FZ of 04.12.2007,
No. 280-FZ of 25.12.2008, No. 238-FZ of 27.07.2010,
No. 275-FZ of 16.10.2010, No. 420-FZ of 28.12.2010,
No. 191-FZ of 11.07.2011, No. 241-FZ of 18.07.2011,
No. 424-FZ of 08.12.2011,

as amended by Federal Law No. 194-FZ of 30.12.2001)

The present Federal law defines the mission, composition, legal bases and principles of the activity of the Federal Security Service, the areas of activity, powers, manpower and resources of federal security service organs, and also the procedure for the monitoring and supervision of federal security service organs (preamble as per Federal Law No. 86-FZ of 30.06.2003)

Chapter I.
GENERAL PROVISIONS

Article 1. The Federal Security Service and its mission
(as per Federal Law No. 86-FZ of 30.06.2003)

The Federal Security Service is the unified central system of federal security service organs resolving tasks of safeguarding the security of the Russian Federation within the limits of its competence.
(as per Federal Law No. 15-FZ of 07.03.2005)

The activity of federal security service organs shall be directed by the President of the Russian Federation.

The Federal Security Service shall be administered by the head of the federal executive authority for security through the aforementioned federal executive authority and its territorial organs. The head of the federal executive authority for security shall be appointed and dismissed by the President of the Russian Federation.

Article 2. Federal security service organs

(as per Federal Law No. 86-FZ of 30.06.2003)

The organs of the Federal Security Service shall include:

the federal executive authority for security;

the directorates/departments of the federal executive authority for security covering the individual regions and constituent entities of the Russian Federation (territorial security organs);

the directorates/departments of the federal executive authority for security in the Armed Forces of the Russian Federation and other troop and military units and also their organs of administration (military security organs);

the directorates/departments/detachments of the federal executive authority for security for border service (border organs);

(as per Federal Law No. 15-FZ of 07.03.2005)

other directorates/departments of the federal executive authority for security exercising individual powers of that authority or carrying out federal security service authority activity (other security organs);

(as per Federal Law No. 15-FZ of 07.03.2005)

aviation sub-divisions, special training centres, special-purpose sub-divisions, enterprises,

education establishments, scientific research, expert, forensic, military medicine and military engineering sub-divisions and other establishments and sub-divisions assigned to carry out federal security service activity.

Territorial security organs, military security organs, border organs and other security organs are territorial organs of the federal executive authority for security and directly subordinate to it.

The federal executive authority for security, territorial security organs, military security organs and border organs may contain sub-divisions directly implementing main areas of activity of federal security service organs and administrative and support functions.

Fourth paragraph invalidated by Federal Law No. 15-FZ of 07.03.2005.

The creation of federal security service organs not provided for in the present federal law shall not be permitted.

(as per Federal Law No. 15-FZ of 07.03.2005)

Within federal security service organs the creation of structural sub-divisions of political parties and activity of political parties or public movements pursuing political aims and also the conducting of political agitation and pre-election campaigning shall be prohibited.

(as per Federal Law No. 15-FZ of 07.03.2005)

Article 3. Federal executive authority for security

(as per Federal Law No. 86-FZ of 30.06.2003)

The federal executive authority for security shall create its own territorial organs, organise the activity of those organs, issue regulatory acts within the limits of its competence and directly implement the main areas of activity of federal security service organs.

(as per Federal Law No. 15-FZ of 07.03.2005)

A Russian Federation Academy of Cryptography shall operate under the auspices of the federal executive authority for security. The statute of the Russian Federation Academy of Cryptography shall be ratified by the President of the Russian Federation.

Article 4. Legal basis for the activity of the Federal Security Service

(as per Federal Law No. 86-FZ of 30.06.2003)

The legal basis for the activity of the Federal Security Service shall comprise the Constitution of the Russian Federation, the present Federal law, other federal laws and other legal and regulatory acts of the Russian Federation.

The activity of the Federal Security Service shall also be carried out in accordance with the international treaties of the Russian Federation.

Article 5. Principles governing the activity of the Federal Security Service

(as per Federal Law No. 86-FZ of 30.06.2003)

The activity of the Federal Security Service shall be carried out on the basis of the following principles:

lawfulness;

respect for and observance of human and civil rights and freedoms;

humanism;

a unified system of federal security service organs and also centralisation of their administration;

(as per Federal Law No. 15-FZ of 07.03.2005)

secrecy, a combination of overt and covert methods and means of activity

Article 6. Observance of human and civil rights and freedoms in the activity of the Federal Security Service

(as per Federal Law No. 86-FZ of 30.06.2003)

The State shall guarantee observance of human and civil rights and freedoms in the implementation by the Federal Security Service of its activity. The restriction of human and civil rights and freedoms shall not be permitted except in cases provided for in federal constitutional laws and federal laws.

Any person believing that their rights and freedoms have been violated by federal security service organs or their officials shall be entitled to complain of the actions of those organs and officials to a higher authority of the Federal Security Service, a prosecutor's office or a court.

(as per Federal Law No. 15-FZ of 07.03.2005)

State authorities, enterprises, establishments and organisations, regardless of their form of ownership, and also public associations and citizens shall be entitled, in accordance with Russian Federation legislation, to obtain explanations and information from federal security service organs in the event of their rights and freedoms being restricted.

(as per Federal Law No. 15-FZ of 07.03.2005)

State authorities, enterprises, establishments and organisations, regardless of their form of ownership, and also public associations and citizens shall be entitled to demand compensation from federal security service organs for material and non-pecuniary damage caused by the actions of officials of said federal security service organs in the exercise of their official duties.

(as per Federal Law No. 15-FZ of 07.03.2005)

Information on the private life or impinging on the honour and dignity of a citizen or potentially harming their lawful interests which is obtained in the course of the activity of federal security service organs may not be communicated by federal security service organs to anyone whomsoever without the willing consent of the citizen concerned, except in cases provided for in federal laws.

(as per Federal Law No. 15-FZ of 07.03.2005)

In the event of a violation of human and civil rights and freedoms by federal security service organ staff, the head of the respective federal security service organ, a prosecutor or a judge shall be bound to take measures to restore those rights and freedoms, grant compensation for the damage caused and prosecute the perpetrators as provided for in Russian Federation legislation.

Federal security service organ officials misusing their authority or exceeding their official powers shall incur liability as provided for in Russian Federation legislation.

(as per Federal Law No. 15-FZ of 07.03.2005)

Article 7. Protection of information on the Federal Security Service

(as per Federal Law No. 280-FZ of 25.12.2008)

Information on servicemen, federal state civil servants, federal security service organ workers, persons dismissed from federal security service organs, citizens engaged in military service under contract, federal state civil service or work in a federal security service organ, and persons assisting them or having assisted them on a confidential basis may be communicated by federal security service organs to other state authorities, other organisations and citizens only in the cases provided for in federal laws. In other cases the aforementioned information may be communicated on the basis of a decision of the head of the federal executive authority for security or an official authorised by them.

(first paragraph as per No. 241-FZ of 18.07.2011)

Physical individuals shall be granted access to information on federal security service organs constituting state secrets or other secrets protected by law under the procedure provided for in Russian Federation legislation on state secrets or other secrets protected by law, where there is no other provision in Russian Federation legislation.

Physical individuals may be refused access to information on federal security service organs constituting state secrets or other secrets protected by law on grounds provided for in Russian Federation legislation on state secrets or other secrets protected by law or for the sake of federal security service organs' own security.

Physical individuals may be permitted to participate in counter-intelligence activities, the combating of terrorism and crime, intelligence activities, border activities and information security activities carried out by federal security service organs (hereinafter - operational activities) and/or to access materials obtained as a result of carrying out such activity, under the procedure defined by the head of the federal executive authority for security.

Documents and materials containing information on servicemen, federal state civil servants, federal security service organ workers or persons assisting them or having assisted them on a confidential basis and also on the organisation, tactics, methods and means deployed by federal security service organs in carrying out operational activities shall be stored within federal security service organs.

Federal Security Service archive materials of historical or academic value and declassified in accordance with Russian Federation legislation shall be handed over for storage in the archives of the federal executive authority for archiving under the procedure established by Russian Federation legislation.

Article 7.1. Financial and material/technical support for Federal Security Service activity

(as per Federal Law No. 86-FZ of 30.06.2003)

The land and property of federal security service organs (including buildings, installations and equipment) created/being created or acquired/being acquired by means of federal budget resources or other resources shall be federal property.

(as per Federal Law No. 15-FZ of 07.03.2005)

Support for the activity of federal security service organs, including material/technical and financial support and creation of a support infrastructure shall be a mandatory expense for the Russian Federation.

(as per Federal Law No. 122-FZ of 22.08.2004 and No. 15-FZ of 07.03.2005)

Federal security service organs shall, on an unlicensed basis, devise, create, acquire and use arms and armaments, including special technical and other means, acquire and use military weaponry approved for the arming of federal security service organs by decision of the Russian Federation Government and also other service and non-military weaponry and the corresponding munitions.

(in the version of Federal Law No. 15-FZ of 07.03.2005)

The sale, transfer, exporting from the territory of the Russian Federation and importing onto the territory of the Russian Federation of arms and armaments, including special technical and other means, firearms and the corresponding munitions which may be used by federal security service organs, shall be carried out by federal security service organs under the procedure established by the Russian Federation Government.

(as per Federal Law No. 15-FZ of 07.03.2005)

The norms governing the supply of the basic arms issue types/systems/complexes and military and special equipment, the norms governing expenditure on motorised resources and fuel and also the procedure for service approval of arms, the acquisition, accounting, storage, issue, repair and decommissioning of arms issue types/systems/complexes and military and special equipment and the procedure for training federal security service organs in actions linked to the use of arms issue types/systems/complexes shall be established by the head of the federal executive authority for security in accordance with the Russian Federation Government-approved list of basic arms issue types/systems/complexes and military and special equipment and the procedure and norms for material and technical support for federal security service organs.

(as per Federal Law No. 15-FZ of 07.03.2005)

The building, reconstruction or granting for use of sites for the billeting of federal security service organs shall be carried out in accordance with the procedure and norms established by the Russian Federation Government for servicemen of the Armed Forces of the Russian Federation (with due regard to the special characteristics defined by the head of the federal executive authority for security), with funding from the federal budget and also funding from the organisations at whose initiatives the building or reconstruction of those sites is carried out.

(as per Federal Law No. 15-FZ of 07.03.2005)

Federal security service organs may possess service housing stock constituted under the procedure established by the Russian Federation Government.

(as per Federal Law No. 15-FZ of 07.03.2005)

Enterprises, establishments and organisations created or being created to support the activity of the Federal Security Service shall carry out their activities on an unlicensed basis and shall not be subject to privatisation.

Federal security service organs may, in accordance with Russian Federation legislation, requisition from federal executive authorities, executive authorities of Russian Federation constituent entities, local authorities, organisations, public associations and citizens of the Russian Federation means of transport and other property necessary for the fulfilment of the tasks assigned to those organs by federal legislation. The procedure for using the aforementioned property shall be defined by the head of the federal executive authority for security.

(as per Federal Law No. 15-FZ of 07.03.2005)

Tenth paragraph invalidated by Federal Law No. 122-FZ of 22.08.2004.

Land and natural resources shall be used by federal security service organs in accordance with federal legislation. Federal security service organs shall be exempt from all forms of payment for the use of natural resources.

(as per Federal Law No. 122-FZ of 22.08.2004 and No. 15-FZ of 07.03.2005)

Chapter II.

MAIN AREAS OF ACTIVITY OF FEDERAL SECURITY SERVICE ORGANS

Article 8. Areas of activity of federal security service organs

(as per Federal Law No. 86-FZ of 30.06.2003)

The activity of federal security service organs shall be carried out in the following main areas:

counter-intelligence;
combating terrorism;
combating crime;
intelligence;
border activity;
safeguarding information security.

(first paragraph as per Federal Law No. 153-FZ of 27.07.2006)

Other areas of activity of federal security service organs shall be determined by federal legislation.

Article 9. Counter-intelligence

(as per Federal Law No. 153-FZ of 27.07.2006)

Counter-intelligence shall be an activity carried out by federal security service organs and/or their sub-divisions (hereinafter in the present Article "counter-intelligence organs"), as well as officials of those organs and sub-divisions by carrying out counter-intelligence measures for the purposes of detecting, preventing and suppressing intelligence-related and other activities of special services and organisations of foreign States, as well as of individuals seeking to harm the security of the Russian Federation.

Grounds for carrying out counter-intelligence measures by counter-intelligence organs shall be:

a) the existence of information pointing to intelligence-related and other activities of special services and organisations of foreign States, as well as of individuals seeking to harm the security of the Russian Federation;

b) *[б – in Russian]* the necessity of obtaining information on events or actions constituting a threat to the security of the Russian Federation;

c) *[в – in Russian]* the necessity of ensuring the protection of information constituting state secrets;

d) [*e – in Russian*] the necessity of investigating/checking on individuals providing or having provided assistance to federal security service organs on a confidential basis;

e) [*ð – in Russian*] the necessity of ensuring their own security;

f) [*e – in Russian*] requests made by special services, law enforcement agencies and other organisations of foreign States or by international organisations in accordance with the international treaties of the Russian Federation.

The list of grounds for carrying out counter-intelligence measures is exhaustive and may be amended or supplemented only by a federal law.

Counter-intelligence activity shall entail the carrying out of overt and covert measures, whose particular characteristics shall be defined by the special conditions in which that activity is carried out. The procedure for carrying out counter-intelligence measures shall be established by legal and regulatory acts of the federal executive authority for security.

The carrying out of counter-intelligence measures restricting the rights of citizens to secrecy of correspondence, telephone conversations, postal, telegraphic and other communications transmitted on electrical and telecommunications networks shall be permitted only on the grounds of a ruling by a judge and under the procedure provided for in Russian Federation legislation.

The carrying out of counter-intelligence measures restricting the right of citizens to the inviolability of their home shall be permitted only in the cases established by a federal law or on the grounds of a ruling by a judge.

In cases where it is necessary to carry out counter-intelligence measures restricting the constitutional rights of citizens mentioned in the present Article, the head of the counter-intelligence organ or their deputy shall lodge a corresponding application with a court. The decision to lodge the application shall set out the motives and grounds making it necessary to carry out the corresponding measures and the information corroborating the well-foundedness of the application (except for the information mentioned in the second paragraph of Article 24 of the present Law). A list of categories of heads of counter-intelligence organs and their deputies authorised to lodge an application to carry out counter-intelligence measures restricting the aforementioned constitutional rights of citizens shall be established by legal and regulatory acts of the federal executive authority for security.

Applications to carry out counter-intelligence measures restricting the aforementioned constitutional rights of citizens shall be examined without delay by a judge sitting alone who has jurisdiction for the location where such measures are to be carried out or for the location of the organ applying to carry them out.

After examining the application, the judge shall pronounce one of the following two rulings:

a) a ruling authorising the carrying out of counter-intelligence measures restricting the constitutional rights of citizens;

b) [*б – in Russian*] a ruling refusing the carrying out of counter-intelligence measures restricting the constitutional rights of citizens.

The period of validity of the ruling pronounced by the judge shall be calculated in days counted from the date on which it was pronounced and may not exceed 180 days, unless the judge takes another decision. In this case, the period of validity is not interrupted. Where it is necessary to prolong the period of validity of the ruling, the judge shall pronounce a ruling on the basis of newly submitted material.

A judge's refusal of the carrying out of counter-intelligence measures restricting the constitutional rights of citizens mentioned in the present Article may be appealed against by the applicant counter-intelligence organ to a higher court.

In urgent cases, where a delay may lead to the committing of a serious or particularly serious crime or where there is information on a threat to the state, military, economic or environmental security of the Russian Federation, on the basis of a reasoned decision of the head of the counter-intelligence organ or their deputy, the constitutional rights of citizens mentioned in the present Article may be restricted in the carrying out of counter-intelligence measures without a prior court ruling, with mandatory notification of the judge within 24 hours from the time when citizens' constitutional rights were restricted. The counter-intelligence organ shall be under obligation, within 48 hours from the time when citizens' constitutional rights were restricted, to obtain a judge's ruling authorising such restrictive action or discontinue its restrictive action.

The judge's ruling authorising the carrying out of counter-intelligence measures restricting the constitutional rights of citizens mentioned in the present Article and the materials serving as the basis for that ruling shall be stored in counter-intelligence organs.

The application by the head of a counter-intelligence organ or their deputy to carry out counter-intelligence measures restricting the constitutional rights of citizens mentioned in the present Article, the judge's ruling and the materials serving as a basis for that ruling shall be submitted to prosecution authorities in the event of checks being carried out under a supervisory procedure on materials, information and applications submitted by citizens claiming a violation of Russian Federation legislation by counter-intelligence organs.

The results of counter-intelligence measures may be used in criminal proceedings under the procedure established by criminal procedural legislation for using the results of operational/search activities.

Article 9.1. Combating terrorism

(paragraph 1 as per Federal Law No. 153-FZ of 27.07.2006)

Combating terrorism shall be an activity carried out by federal security service organs and/or their sub-divisions (hereinafter in the present Article "counter-terrorism organs"), as well as officials of those organs and sub-divisions for the purposes of detecting, preventing, suppressing, exposing and investigating acts of terrorism by carrying out special operations and other measures.

Grounds for carrying out counter-terrorism measures by counter- terrorism organs shall be:

- a) the necessity of suppressing a terrorist act;
- b) [*б – in Russian*] the necessity of identifying individuals involved in preparing or committing a terrorist act;
- c) [*в – in Russian*] the necessity of obtaining information on events or actions constituting a threat of terrorism.

Combating terrorism shall entail the carrying out of overt and covert special operations and other measures, whose special characteristics shall be defined by the conditions of combating of terrorism. The procedure for carrying out the aforementioned measures shall be established by legal and regulatory acts of the federal executive authority for security.

Counter-terrorism organs shall carry out their activities in accordance with legislation on operational/search activity, criminal and criminal procedural legislation, the present Federal law and other legal and regulatory acts of the Russian Federation.

The carrying out of counter-terrorism measures restricting the rights of citizens to the inviolability of their home and the secrecy of correspondence, telephone conversations, postal, telegraphic and other communications shall be permitted only on the grounds of a ruling by a judge obtained under the procedure established for the obtaining of a court decision on the admissibility of carrying out counter-intelligence measures restricting the rights of citizens to secrecy of correspondence, telephone conversations, postal, telegraphic and other communications transmitted on electrical and telecommunications networks and to the inviolability of their home and on the basis of a reasoned application by the head of a counter-terrorism organ or their deputy. A list of categories of heads of counter-terrorism organs and their deputies authorised to lodge an application to carry out counter-terrorism measures restricting the constitutional rights of citizens mentioned in the present Article shall be established by legal and regulatory acts of the federal executive authority for security.

The judge's ruling authorising the carrying out of counter-terrorism measures restricting the constitutional rights of citizens mentioned in the present Article and the materials serving as the basis for that ruling shall be stored in counter-terrorism organs.

In urgent cases, where a delay may lead to the committing of a terrorist act and endanger the lives and health of citizens, or where there is information from which it may be assumed that a terrorist act is being or has been committed on residential premises or in the pursuit of an individual suspected of involvement in committing a terrorist act, staff of a counter-terrorism organ shall be entitled to enter the residential premises unhindered and also to cut off the communications links of legal entities and physical individuals or to restrict the use of communication networks and means of communication. The counter-terrorism organ shall be under obligation to notify the prosecutor within 24 hours from the time when citizens' rights to the inviolability of their home were restricted or when the communications links of legal entities and physical individuals were cut off or the use of communication networks and means of communication were restricted.

The results of counter-terrorism measures may be used in criminal proceedings under the procedure established by criminal procedural legislation for using the results of operational/search activities.

The submitting of materials to prosecution authorities for the exercise of supervision by the prosecutor of the application of laws by counter-terrorism organs when carrying out counter-terrorism measures shall be governed by the provisions of Article 9 of the present Federal law.

Sub-divisions of special operations federal security service organs may be deployed, by decision of the President of the Russian Federation, against terrorists and/or their bases located outside the territory of the Russian Federation in order to eliminate a threat to the security of the Russian Federation.

Article 10. Combating crime

(as per Federal Law No. 86-FZ of 30.06.2003 and No. 153-FZ of 27.03.2006)

Federal security service organs shall carry out operational/search measures for the purposes of detecting, preventing, suppressing and exposing espionage, organised crime, corruption, illegal trading of arms and drugs and smuggling presenting a threat to the security of the Russian Federation and crimes whose investigation and preliminary examination are placed within their jurisdiction by law, and also for the purposes of detecting, preventing, suppressing and exposing the activities of illegal armed formations, criminal groups, individuals and public associations aiming to forcibly change the constitutional system of the Russian Federation.

(as per Federal Law No. 153-FZ of 27.07.2006)

Federal security service organs may be assigned other tasks in the sphere of combating crime by federal laws and other legal and regulatory acts of federal state authorities.

Federal security service organs shall carry out their activities in the sphere of combating crime in accordance with legislation on operational/search activity, criminal and criminal procedural legislation and the present Federal law.

(as per Federal Law No. 153-FZ of 27.07.2006)

Article 11. Intelligence activity

(as per Federal Law No. 86-FZ of 30.06.2003)

Intelligence activity shall be carried out by a foreign intelligence organ of the federal executive authority for security in accordance with the Federal Law "On foreign intelligence".

The procedure for cooperation between a foreign intelligence organ of the federal executive authority for security and other foreign intelligence organs of the Russian Federation shall be determined by federal legislation and agreements concluded between them on the basis thereof and/or joint legal and regulatory acts.

The procedure for carrying out intelligence measures and the procedure for using special methods and means in carrying out intelligence activity shall be determined by legal and regulatory acts of the federal executive authority for security.

Article 11.1. Border activity

(introduced by Federal Law No. 86-FZ of 30.06.2003)

Border activity shall be carried out in order to:

protect and preserve the state borders of the Russian Federation for the purpose of preventing unlawful changes to the lines of the state borders of the Russian Federation and ensure that physical individuals and legal entities respect the system of state borders of the Russian Federation, the frontier regime and the regime governing the points for crossing the state border of the Russian Federation;

protect and preserve the economic and other lawful interests of the Russian Federation within the boundaries of the border territory, exclusive economic zone and continental shelf of the Russian Federation, and also to preserve, beyond the boundaries of the exclusive economic zone of the Russian Federation, anadromous species of fish breeding in the rivers of Russia, transfrontier species of fish and species of fish migrating over larger distances in accordance with the international treaties of the Russian Federation and/or Russian Federation legislation.

(as per Federal Law No. 420-FZ of 28.12.2010)

Article 11.2. Safeguarding information security

(introduced by Federal Law No. 86-FZ of 30.06.2003)

Safeguarding information security shall be an activity carried out by federal security service organs within the limits of their competence:

in framing and implementing state and scientific/technical policy in the sphere of information security, including with the use of engineering/technical and cryptographic means;

in safeguarding through cryptographic and engineering/technical means the security of information and telecommunications systems, special communications networks and other communications networks for the transmission of encrypted information, in the Russian Federation and in the establishments thereof located outside the territory of the Russian Federation.

(as per Federal Law No. 424-FZ of 08.12.2011)

Chapter III. POWERS OF FEDERAL SECURITY SERVICE ORGANS

Article 12. Duties of federal security service organs

Federal security service organs shall have a duty to:

a) inform the President of the Russian Federation, the Chairman of the Russian Federation Government and, on their instructions, federal state authorities and also the state authorities of Russian Federation constituent entities of threats to the security of the Russian Federation;

b) [*"б" in Russian*] detect, prevent and suppress intelligence and other activity of special services and organisations of foreign States, as well as of individuals seeking to harm the security of the Russian Federation;

c) [*"в" in Russian*] obtain intelligence information in the interests of safeguarding the security of the Russian Federation and enhancing its economic, scientific/technical and defence capacity;
c.1) [*"в.1" in Russian*] carry out foreign intelligence activity in the sphere of encrypted, classified and other types of special communications from Russian Federation territory;
(*indent "c.1" ["в.1" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003*)

d) [*"г" in Russian*] detect, prevent, suppress and expose crimes, whose investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, and also search for individuals having committed or suspected of committing the aforementioned crimes;
(*indent "d" ["г" in Russian] as per Federal Law No. 86-FZ of 30.06.2003*)

d.1) [*"г.1" in Russian*] detect, prevent and suppress administrative infringements for which the initiation of proceedings and/or examination of cases are placed by the Russian Federation Code of Administrative Infringements within the jurisdiction of federal security service organs;
(*indent "d.1" ["г.1" in Russian] introduced by Federal Law No. 4-FZ of 10.01.2003*)

e) [*"д" in Russian*] detect, prevent, suppress, expose and investigate terrorists which are being prepared or are being or have been committed, and also obtain information on events or actions constituting a threat of terrorism;
(*indent "e" ["д" in Russian] as per Federal Law No. 153-FZ of 27.07.2006*)

f) [*"е" in Russian*] devise and implement, in collaboration with other state authorities, measures to combat corruption, illegal trade in arms and drugs, smuggling, activities of illegal armed formations, criminal groups, individuals and public associations aiming to forcibly change the constitutional system of the Russian Federation;

g) [*"ж" in Russian*] safeguard within the limits of their competence security within the Armed Forces of the Russian Federation, other military forces, military formations and their administrative bodies, within organs in which military service is provided for by federal law and within internal affairs authorities, the State fire service, customs authorities and authorities controlling trade in drugs and psychotropic substances;
(*indent "g" ["ж" in Russian] as per Federal Law No. 86-FZ of 30.06.2003*)

h) [*"з" in Russian*] safeguard within the limits of their competence the security of defence complex, nuclear power, transport and communications sites, life-sustaining facilities of cities and industrial centres and other strategic sites, and also security in the sphere of space research and priority scientific projects;

i) [*"у" in Russian*] safeguard within the limits of their competence the security of federal state authorities and state authorities of Russian Federation constituent entities;

i.1) *["u.1" in Russian]* organise and safeguard security in the sphere of encrypted, classified and other types of special communications in the Russian Federation and, within the limits of their competence, in establishments of the Russian Federation located outside its territory;
(*indent "i.1" ["u.1" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003*)

j) *["к" in Russian]* participate in the devising and implementation of measures to protect information constituting state secrets; exercise supervision over the safekeeping of information constituting state secrets in state authorities, military formations, enterprises, establishments and organisations regardless of their form of ownership; take measures under the established procedure relating to citizens' access to information constituting state secrets;

k) *["н" in Russian]* undertake measures in collaboration with the federal executive authority for foreign intelligence to safeguard the security of the Russian Federation's establishments and citizens outside its territory;
(*as per Federal Law No. 86-FZ of 30.06.2003*)

l) *["м" in Russian]* take measures, within the limits of their competence, to protect and preserve the state borders of the Russian Federation and to protect and preserve the economic and other lawful interests of the Russian Federation within the boundaries of the border territory, exclusive economic zone and continental shelf of the Russian Federation, and also to exercise state control in the sphere of protecting marine biological resources, including the monitoring of vessels engaged in fishing in respect of transfrontier species of fish and species of fish migrating over larger distances in the open sea, in accordance with the international treaties of the Russian Federation and/or Russian Federation legislation.
(*as per Federal Laws No. 86-FZ of 30.06.2003 and No. 420-FZ of 28.12.2010*)

m) *["н" in Russian]* safeguard, in collaboration with internal affairs authorities, the security of foreign States' representations in the Russian Federation;

n) *["о" in Russian]* participate, within the limits of their competence and jointly with other state authorities, in the safeguarding of the security of public/political, religious and other mass events held on the territory of the Russian Federation;

o) *["п" in Russian]* register and keep a centralised record of radio data and radio emissions produced by electronic radio transmitters; detect on the territory of the Russian Federation radio emissions produced by electronic radio transmitters whose operation poses a threat to the security of the Russian Federation, and also radio emissions produced by electronic radio transmitters used for illegal purposes;

p) *["р" in Russian]* to participate, in accordance with Russian Federation legislation, in resolving matters pertaining to the conferring and renunciation of Russian Federation citizenship, entry to and exit from Russian Federation territory of Russian Federation citizens, foreign citizens and stateless persons, and also the procedure governing the residence of foreign citizens and stateless persons on Russian Federation territory;

q) *["с" in Russian]* to maintain the mobilisation readiness of federal security service organs;

r) *["м" in Russian]* to carry out vocational training.
(*indent "r" ["м" in Russian] as per Federal Law No. 86-FZ of 30.06.2003*)

Article 13. Rights of federal security service organs

Federal security service organs shall be entitled to:

a) establish on a confidential basis cooperation links with individuals consenting thereto;

a.1) use special methods and means in carrying out counter-intelligence and intelligence activity and also measures to combat terrorism;
(indent "a.1" introduced by Federal Law No. 86-FZ of 30.06.2003; as per Federal Law No. 153-FZ of 27.07.2006)

b) ["б " in Russian] carry out operational/search measures to detect, prevent, suppress and expose espionage, organised crime, corruption, illegal trading of arms and drugs and smuggling presenting a threat to the security of the Russian Federation and crimes whose investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs and also to detect, prevent, suppress and expose the activity of illegal armed formations, criminal groups, individuals and public associations aiming to forcibly change the constitutional system of the Russian Federation.
(as per Federal Law No. 153-FZ of 27.07.2006)

b.1) ["б.1 " in Russian] carry out special operations to suppress terrorist activity (special operations activity) and also create and use special methods and means to carry them out;
(indent "b.1" ["б.1 " in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003)

b.2) ["б.2 " in Russian] use special-purpose sub-divisions of federal security service organs and deploy military equipment, arms and special means approved for the arming of federal security service organs and also physical force against terrorists and/or their bases located outside the territory of the Russian Federation in order to eliminate a threat to the security of the Russian Federation;
(indent "b.2" ["б.2 " in Russian] introduced by Federal Law No. 153-FZ of 27.07.2006)

c) ["в " in Russian] infiltrate foreign States' special services and organisations carrying out intelligence and other activity aimed at damaging the security of the Russian Federation and also infiltrate criminal groups;

c.1) ["в.1" in Russian] carry out foreign intelligence activity independently from the territory of the Russian Federation, and also in cooperation with other foreign intelligence organs of the Russian Federation and, on the basis of inter-state agreements, with special services and law enforcement agencies of foreign States in the sphere of encrypted, classified and other types of special communications using radio-electronic means and methods;
(indent "c.1" ["в.1" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003)

d) ["г " in Russian] conduct the investigation and preliminary examination of crimes placed by Russian Federation legislation within the jurisdiction of federal security service organs;
(as per Federal Law No. 50-FZ of 15.04.2006)

d.1) ["г.1" in Russian] draw up reports on administrative infringements, pronounce decisions and rulings on cases of administrative infringements, fix administrative punishments for cases of administrative infringements, lodge requests to eliminate causes and conditions facilitating the committing of administrative infringements, and exercise other powers in cases of administrative infringements placed by the Russian Federation Code of Administrative infringements within the jurisdiction of federal security service organs;
(indent "d.1" ["г.1" in Russian] introduced by Federal Law No. 4-FZ of 10.01.2003)

d.2) ["г.2" in Russian] issue a physical individual with an official warning, with which they are bound to comply, of the inadmissibility of actions creating conditions for the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, in the absence of grounds for criminal prosecution;
(indent "d.2" ["г.2" in Russian] introduced by Federal Law No. 238-FZ of 27.07.2010)

e) ["д " in Russian] carry out cipher work within federal security service organs and also to monitor compliance with secrecy rules in the handling of encrypted information by cipher sub-divisions of state authorities, enterprises, establishments and organisations irrespective of their form of ownership (except for Russian Federation establishments abroad);

f) ["е " in Russian] use for official purposes means of communications belonging to state enterprises, establishments and organisations and, in urgent cases, to non-state enterprises,

establishments and organisations and also public associations and citizens of the Russian Federation;

g) [*"ж" in Russian*] use in extremely pressing cases means of transport belonging to enterprises, establishments and organisations irrespective of their form of ownership or of public associations or citizens (except for means of transport which are exempted from such use by Russian Federation legislation) for the prevention of crimes, the pursuit and apprehending of persons who have committed or are suspected of having committed crimes, for the transportation of citizens in urgent need of medical assistance to medical establishments, and also for transportation to the scene of an incident. At the request of the owners of the means of transport concerned federal security service organs shall compensate them under the legally established procedure for the expenses or damage they have incurred as a result;

(as per Federal Law No. 226-FZ of 30.12.1999)

g.1) [*"ж.1" in Russian*] use, free of charge in the exercise of their duties, the waterways and airspace of the Russian Federation, the territory/water zones of airports, aerodromes/landing areas and sea and river ports regardless of their organisational and legal form and form of ownership, and also be provided, free of charge in the exercise of their duties, with flights and water transport;

(indent "g.1" ["ж.1" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003)

h) [*"з" in Russian*] enter without hindrance citizens' residential and other premises, plots of land belonging to them, the grounds and premises of enterprises, establishments and organisations irrespective of their form of ownership in the event of there being sufficient grounds to suppose that acts constituting a public danger is being or has been carried out there, whose detection, prevention, suppression, exposure and investigation have been placed by Russian Federation legislation within the jurisdiction of federal security service organs, and also in the event of pursuing persons suspected of committing such acts, if any delay may pose a threat to the lives and health of citizens. Federal security service organs shall notify the prosecutor within 24 hours of all such cases of entry into residential and other premises belonging to citizens;

(as per Federal Law No. 153-FZ of 27.07.2006)

h.1) [*"з.1" in Russian*] cordon off/block sectors/sites in order to suppress acts of terrorism or mass disturbances and also to search for persons having escaped from custody or pursue individuals suspected of committing crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, inspecting means of transport where necessary. In that process, federal security service organs shall take steps to ensure the continuation of normal life-sustaining activity of the community and the functioning of the corresponding facilities for those purposes in that place;

(indent h.1) ["з.1" in Russian] introduced by Federal Law No. 226-FZ of 30.12.1999)

h.2) [*"з.2" in Russian*] temporarily restrict or prevent the movement of citizens and means of transport in an individual sector/at individual sites and oblige citizens to remain there or to leave that sector/site for the purposes of protecting the lives, health and property of citizens or carrying out urgent investigative activities or operational/search and counter-terrorism measures;

(indent h.2) ["з.2" in Russian] introduced by Federal Law No. 226-FZ of 30.12.1999)

i) [*"у" in Russian*] inspect citizens' and officials' identity documents where there are sufficient grounds to suspect them of committing a crime;

j) [*"к" in Russian*] conduct the administrative detention of persons having committed offences involving attempted or actual intrusion into the territory of special-regime sites under special guard, closed administrative-territorial formations and other sites under guard and also check their identity papers, obtain explanations from them, carry out personal searches on them and confiscate their possessions and documents;

k) ["л" in Russian] lodge with state authorities, administrations of enterprises, establishments and organisations, regardless of their form of ownership, and also with public organisations, a request, with which those bodies are bound to comply, to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation and the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs;

l) ["м" in Russian] receive free of charge from state authorities, enterprises, establishments and organisations, regardless of their form of ownership, information required to perform the duties assigned to federal security service organs, except in cases where federal laws prohibit the communication of such information to federal security service organs;
(as per Federal Law No. 86-FZ of 30.06.2003)

m) ["н" in Russian] set up, under the procedure established by Russian Federation legislation, enterprises, establishments, organisations and sub-divisions required to perform the duties assigned to federal security service organs and support the activity of those organs;

n) ["о" in Russian] set up special-purpose sub-divisions to perform the duties assigned to federal security service organs;

o) ["п" in Russian] conduct forensic and other expert examinations and research;

p) ["р" in Russian] maintain external relations with special services and law-enforcement agencies of foreign States, exchange operational information and special technical and other means with them on a reciprocal basis within the limits of the competence of federal security service organs and in accordance with the procedure established by normative acts of the federal executive authority for security; conclude international treaties of the Russian Federation, under the established procedure and within the limits of their competence;
(as per Federal Law No. 86-FZ of 30.06.2003)

q) ["с" in Russian] send official representatives of federal security service organs to foreign States by agreement with special services or law-enforcement agencies of those States with a view to increasing the effectiveness of combating international crime;

r) ["м" in Russian] implement measures to safeguard their own security, including preventing foreign States' special services and organisations, criminal groups and individuals from using technical means to access information constituting state secrets which is protected by federal security service organs;

r.1) ["м.1" in Russian] independently select candidates (including on a competitive basis) for recruitment into military service under contract in federal security service organs from among Russian Federation citizens under the procedure defined by the head of the federal executive authority for security;
(indent r.1) ["м.1" in Russian] introduced by Federal Law No. 280-FZ of 25.12.2008)

s) ["у" in Russian] authorise the staff of federal security service organs to possess and carry standard-issue weapons and special means;

t) ["ф" in Russian] use the documentation of other ministries, departments, enterprises, establishments and organisations to conceal the identity of staff of federal security service organs and the departmental affiliation of their sub-divisions, premises and means of transport;

t.1) ["ф.1" in Russian] use, for urgent action to neutralise and prevent terrorist acts and violations of the Russian Federation state border system, means of transport belonging to them fitted with light and sound signal emitting devices and bearing special colour schemes on their outside surfaces;
(indent t.1) ["ф.1" in Russian] introduced by Federal Law No. 211-FZ of 24.07.2007, as per Federal Law No. 280-FZ of 25.12.2008)

- u) [*"x" in Russian*] conduct scientific research into problems of Russian Federation security;
- v) [*"y" in Russian*] assist enterprises, establishments and organisations, irrespective of their form of ownership, in the devising of measures to protect commercial secrets;
- w) [*"z" in Russian*] train officers on a paid basis or free of charge for foreign States' special services and the security services of enterprises, establishments and organisations, irrespective of their form of ownership, provided that this does not contravene the principles governing the activity of federal security service organs.
(*as per Federal Law No. 86-FZ of 30.06.2003*)
- x) [*"u" in Russian*] exercise, within the limits of their competence, regulation in the sphere of devising, producing, implementing and operating encryption/cryptographic means and telecommunications systems and complexes located on Russian Federation territory and protected by encryption means, and also in the sphere of the provision of information encryption services in the Russian Federation and detection of electronic devices for the covert obtaining of information, on premises and in technical installations;
(*indent x. 1) ["u. 1" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003*)
- y) [*"u" in Russian*] exercise state control over the organisation and functioning of cryptographic and engineering/technical security of information and telecommunications systems, special communications networks and other communications networks used to transmit information with the use of ciphers, monitor compliance with secrecy rules in the handling of encrypted information by cipher sub-divisions of state authorities and organisations on the territory of the Russian Federation and in its establishments abroad and also supervise, in accordance with their prerogatives, the protection of particularly important sites/premises and the technical facilities therein against the leakage of data through technical channels;
(*indent y) ["u" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003, as per Federal Law No. 424-FZ of 08.12.2011*)
- z) [*"a" in Russian*] participate in the defining of the procedure for devising, producing, implementing, operating and protecting technical means of processing, storing and transferring restricted information to be used in Russian Federation establishments abroad;
(*indent z) ["a" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003*)
- yu) [*"i" in Russian*] detect information interception devices on particularly important sites/premises and technical means for use in federal state authorities;
(*indent yu) ["i" in Russian] introduced by Federal Law No. 86-FZ of 30.06.2003*)
- ya) [*"r" in Russian*] obtain biological material and process genome information related to crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs;
(*indent ya) ["r" in Russian] introduced by Federal Law No. 191-FZ of 11.07.2011*)
- exercise other rights afforded to federal security service organs by federal legislation.
(*second paragraph introduced by Federal Law No. 86-FZ of 30.06.2003*)

Federal security service organs may not use the rights granted to them to perform duties not provided for in federal laws.

Article 13.1. Use of prevention measures by federal security service organs
(*introduced by Federal Law No. 238-FZ of 27.07.2010*)

The preventive measures used by federal security service organs shall include the lodging of requests to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation and the issuing of official warnings of the inadmissibility of actions creating conditions for the committing of crimes for which investigation and preliminary

examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs.

In the presence of sufficient elements uncovered in the operational activities of federal security service organs which point to causes and conditions facilitating the carrying out of threats to the security of the Russian Federation, the federal security service authorities shall lodge with the corresponding state authorities or administrations of enterprises, establishments and organisations, regardless of their form of ownership, and also with public organisations, a request, with which those bodies are bound to comply, to eliminate said causes and conditions facilitating the carrying out of threats to the security of the Russian Federation.

For the purpose of preventing the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, in the presence of sufficient and previously confirmed information on acts of physical individuals creating conditions for the committing of the aforementioned crimes, and in the absence of grounds for their criminal prosecution, federal security service organs, having first informed the prosecutor thereof, may issue that individual with an official warning, with which they are bound to comply, of the inadmissibility of actions creating conditions for the committing of such crimes.

The head of the federal security service organ or their deputy who are empowered to issue an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, shall, within ten days after checking the information received on the committing of the aforementioned actions by a physical individual, take a decision as to whether to issue an official warning to that individual. Any such official warning shall be sent/handed to the physical individual concerned no later than five days from the date when that decision was taken.

(fourth paragraph as per Federal Law No. 275-FZ of 16.10.2010)

The procedure for lodging a request to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation, the procedure for issuing an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs, including the procedure for sending it/handing it over, the form of the official warning, and also the list of categories of heads of federal security service organs and their deputies empowered to lodge such requests or issue such official warnings shall be established by legal and regulatory acts of the federal executive authority for security.

A request to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation or an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which investigation and preliminary examination are placed by Russian Federation legislation within the jurisdiction of federal security service organs may be appealed against before a court and the authorities indicated in Article 6 of the present Federal Law.

Article 14. Use of arms, special means and physical force

(as per Federal Law No. 153-FZ of 27.07.2006)

The staff of federal security service organs shall be permitted to possess and carry standard-issue weapons and special means. They shall be entitled to use military equipment, arms, special means and physical force, including military combat tactics, in accordance with the legal and regulatory acts of the Russian Federation.

Article 15. Collaboration with Russian and foreign establishments

Federal security service organs shall carry out their activity in collaboration with federal state authorities, state authorities of Russian Federation constituent entities, enterprises, establishments and organisations, regardless of their form of ownership.

Federal security service organs may avail themselves of the possibilities afforded by other Russian Federation security forces under the procedure established by federal laws and the regulatory acts of the President of the Russian Federation.
(as per Federal Law No. 226-FZ of 30.12.1999)

State authorities and also enterprises, establishments and organisations shall be under obligation to assist federal security service organs in the execution of the duties assigned to them.

Physical persons and legal entities in the Russian Federation providing postal communications services and electronic communications services of all types, including scrambled, confidential, satellite communications systems, shall be under obligation, at the request of federal security service organs, to include in the apparatus additional hardware and software and create other conditions required by federal security service organs to implement operational/technical measures.

For the purposes of resolving the tasks of safeguarding the security of the Russian Federation, servicemen of federal security service organs may be seconded to state authorities, enterprises, establishments and organisations, irrespective of their form of ownership, with the consent of their heads and in accordance with the procedure established by the President of the Russian Federation, while remaining on military service.

Collaboration between federal security service organs and foreign States' special services, law-enforcement agencies and other organisations shall be established on the basis of international treaties of the Russian Federation.

**CHAPTER IV.
MANPOWER AND MEANS OF FSB ORGANS**

Article 16. Staff of federal security service organs

(as per Federal Law No. 280-FZ of 25.12.2008)

Federal security service organs shall be staffed (including on a competitive basis) by servicemen, federal state civil servants and workers (hereinafter - servicemen and civilian personnel). Federal security service organ servicemen performing service under contract and also federal state civil servants of federal security service organs and workers of federal security service organs assigned to service duties shall comprise the staff of federal security service organs.

A citizen of the Russian Federation who is not a citizen/subject of a foreign State and is able, by virtue of their personal, professional and psychological qualities, age, education and state of health to perform the duties assigned to them may be a member of staff of federal security service organs. The qualifications requirements in terms of education, work experience and professional knowledge and skills necessary to perform the duties of a member of staff of a federal security service organ shall be established by the head of the federal executive authority for security or an official authorised by them.
(as per Federal Law No. 241-FZ of 18.07.2011)

Russian Federation citizens may not be accepted for service or for work in federal security service organs and likewise servicemen and civilian staff of federal security service organs may be dismissed from service or from work on grounds provided for in Russian Federation legislation or in the event of them:

a) having a residence permit or other document confirming their right to permanent residence on the territory of a foreign State;

b) [*"б" in Russian*] refusing to undergo compulsory state fingerprint registration, the procedure for vetting and security clearance for information constituting state secrets, compulsory interview with the use of technical and other means which must not be harmful to life or health or cause damage to the environment, and compulsory testing for the use of drugs and psychotropic substances;

c) [*"в" in Russian*] having a current or past conviction, including a quashed or extinguished conviction, or if a criminal prosecution against them was dropped following the expiry of the statute of limitation or mediation between the parties or as a result of an act of amnesty or in connection with active repentance;

d) [*"г" in Russian*] failing to submit documents or information which must be submitted in accordance with legal and regulatory acts of the Russian Federation and legal and regulatory acts of the federal executive authority for security, or the submitting of falsified documents or knowingly false information;

e) [*"д" in Russian*] being a member of a political party or another public association pursuing political aims and/or participating in its activities.

(third paragraph introduced by Federal Law No. 241-FZ of 18.07.2011)

In the cases provided for in the third paragraph of the present Article, servicemen and civilian personnel of federal security service organs may be dismissed from service or from work in accordance with Russian Federation legislation.

(fourth paragraph introduced by Federal Law No. 241-FZ of 18.07.2011)

Servicemen and civilian staff of federal security service organs having registered ownership of property outside the frontiers of the Russian Federation shall be under obligation to take steps to alienate that property within the time limit determined by the head of the federal executive authority for security.

(fifth paragraph introduced by Federal Law No. 241-FZ of 18.07.2011)

The failure of a person to comply with one of the requirements regarding personal and professional qualities, age, education and state of health mentioned in the second paragraph of the present Article or other requirements established by the present Federal law shall be grounds for refusing them entry or transfer to military service under contract, federal state civil service or work in a federal security service organ and likewise for terminating their contract or labour agreement.

Information concerning the grounds for refusing entry to service or work in a federal security service organ shall be provided to the citizen in question with due regard for Russian Federation legislation regarding state secrets or other secrets protected by law.

Russian Federation citizens entering military service under contract, federal state civil service or work in a federal security service organ shall undergo vetting for the purposes of determining their suitability for service or work in federal security service organs, including by means of psychological testing under the procedure established by the head of the federal executive authority for security.

Russian Federation citizens who are highly qualified specialists and have reached the age of 40 years may be awarded their first military service contract, while those having reached the age limit for military service may receive a new military service contract under the procedure determined by the head of the federal executive authority for security.

Article 16.1. Service in federal security service organs

(introduced by Federal Law No. 280-FZ of 25.12.2008)

Staff of federal security service organs shall be guided in their service activities by federal laws and may not be bound by decisions of political parties, public associations and other organisations.

Servicemen of federal security service organs shall perform military service in accordance with Russian Federation legislation on the performance of military service with due regard to the special characteristics established by the present Federal law determining the specific nature of the duties carried out by them. When carrying out operational activities, staff of federal security service organs shall be subordinate only to their immediate and direct superior. Upon receiving an order or instruction contrary to federal law, a member of staff of a federal security service organ must be guided by federal law.

Staff of federal security service organs shall be under obligation in their service activity to comply with the code of ethics and service conduct of staff of federal security service organs ratified by the head of the federal executive authority for security. Staff of federal security service organs shall bear liability for any violation of the provisions of that code in accordance with Russian Federation legislation.

(third paragraph introduced by Federal Law No. 241-FZ of 18.07.2011)

The number of servicemen and civilian personnel of federal security service organs shall be determined by the President of the Russian Federation.

The powers of officials of federal security service organs to ratify service regulations, apply commendations and disciplinary punishment in respect of the serviceman subordinate to them and also award military ranks, appoint and dismiss servicemen (with the exception of servicemen holding the posts of top-ranking officers) shall be established by the head of the federal executive authority for security.

Military service contracts until the age of 65 years may be concluded with servicemen of federal security service organs who are highly qualified specialists and have reached the age limit for military service, under the procedure defined by the head of the federal executive authority for security.

Servicemen and civilian personnel of federal security service organs shall be prohibited from participating, in person or through persons authorised by them, in the administration of organisations (except for participation in the administration of a non-profit organisation on an unpaid basis, where this is required for the resolving of operational activity tasks, or participation in a general assembly of members of a non-profit organisation), from engaging in entrepreneurial activity and also from providing assistance to physical individuals and legal entities in carrying out such activity. Staff of federal security service organs shall be prohibited from combining military service in a federal security service organ/federal state civil service or work in a federal security service organ with other paid activity, other than academic, teaching or another creative activity, except in cases provided for in Russian Federation legislation and/or where it is required for the resolving of operational activity tasks.

(as per Federal Law No. 241-FZ of 18.07.2011)

Servicemen and civilian personnel of federal security service organs may receive decorations and honorary and other awards from political parties, public associations and other organisations under the procedure defined by the head of the federal executive authority for security.

Article 16.2. Measures for safeguarding federal security service organs' own security
(introduced by Federal Law No. 241-FZ of 18.07.2011)

Russian Federation citizens entering military service, federal state civil service or work in a federal security service organ and servicemen and civilian personnel of federal security service organs shall undergo:

a) psychological testing and testing for the use of drugs and psychotropic substances, testing for alcohol, drug or other toxic substance dependence, checks to establish their suitability for service or for work in federal security service organs and their compliance with the qualification requirements, including a compulsory interview with the use of technical and other means which must not be harmful to life or health or cause damage to the environment;

b) ["б" in Russian] a procedure of security clearance for information constituting state secrets;

c) ["в" in Russian] vetting linked to the safeguarding of the federal security service organ's own security, including with the use of technical and other means which must not be harmful to life or health or cause damage to the environment.

The examinations, testing and vetting referred to in the present Article shall be carried out in the cases, under the procedure and within the time limits determined by the head of the federal executive authority for security.

The consent of Russian Federation citizens entering military service, federal state civil service or work in a federal security service organ and servicemen and civilian personnel of federal security service organs to undergo the examinations, testing and vetting referred to in the present Article during their service or work shall be stipulated in their respective military service, civil service or work contract.

Servicemen and civilian personnel of federal security service organs shall be prohibited from publishing in media or on the Internet information and telecommunications network any information (including photographic, video and other materials) about themselves or other federal security service organ colleagues, making it possible to discover their departmental affiliation to federal security service organ personnel, their service activities and activities of federal security service organs, except in cases provided for in legal and regulatory acts of the Russian Federation and legal and regulatory acts of the federal executive authority for security.

Russian Federation citizens entering military service, federal state civil service or work in a federal security service organ and servicemen and civilian personnel of federal security service organs shall be under obligation to submit information to personnel units relating to the safeguarding of federal security service organs' own security, in accordance with the roster, the cases and procedure defined by the head of the federal executive authority for security.

Servicemen and civilian personnel of federal security service organs shall be permitted to establish contacts with foreign citizens under the procedure and in the conditions determined by the head of the federal executive authority for security.

Article 17. Legal protection of staff of federal security service organs

When carrying out their service duties, servicemen of federal security service organs shall be representatives of the federal state authorities and under the protection of the State. No-one, other than state authorities and officials empowered to do so by federal laws, may interfere with their service activities.

Hampering a member of staff of a federal security service organ in the carrying out of their service duties, insulting, resisting, committing violence or threatening violence against them in connection with the carrying out of their service duties shall incur the liability provided for in Russian Federation legislation.

The life and health, honour and dignity and also property of members of staff of a federal security service organ and of the members of their families shall be protected from criminal infringements in connection with the carrying out of their duties under the procedure provided for in Russian Federation legislation.

When carrying out their service duties, servicemen of federal security service organs may not be taken into custody, detained, subjected to a body search or have their possessions, private transport or transport used by them searched without a representative of federal security service organs being officially present or a court decision.

Information concerning staff of federal security service organs who have performed/are performing special missions in special services and organisations of foreign States or in criminal groups shall constitute a state secret and may be made public only with the written consent of the aforementioned staff and in the cases provided for in federal laws.

Article 18. Social Protection of staff of federal security service organs

(as per Federal Law No. 122-FZ of 22.08.2004)

The length of service accrued by servicemen in federal security service organs who are highly qualified specialists prior to their entering military service may be counted in their required period of service for the awarding of a pension and for the calculation of the percentage length-of-service coefficient in accordance with the procedure defined by the director of the federal executive authority for security.

(as per Federal Law No. 86-FZ of 30.06.2003)

The time served by staff of federal security service organs on special assignments in special services and organisations of foreign States or in criminal groups shall be calculated in length of service at a more favourable rate for the awarding of a pension, promotion and the calculation of the percentage length-of-service coefficient in accordance with the procedure defined by the Russian Federation Government.

Official salaries/wage rates of civilian personnel of federal security service organs shall carry a 25-percent supplement for work in federal security service organs.

(third paragraph as per Federal Law No. 49-FZ of 07.05.2002)

Fourth paragraph invalidated by Federal Law No. 49-FZ of 07.05.2002.

Servicemen of federal security service organs carrying out their service duties in rural locations shall be entitled to free travel on passing transport (except personal vehicles) upon production of their service pass.

(fourth paragraph as per Federal Law No. 122-FZ of 22.08.2004)

Servicemen of federal security service organs safeguarding the security of transport facilities shall be entitled to free travel on trains and river, sea and air craft within the boundaries of the facilities guarded without having to purchase tickets, solely while carrying out their service duties linked to the safeguarding of the security of transport facilities.

(fifth paragraph as per Federal Law No. 122-FZ of 22.08.2004)

Servicemen of federal security service organs using personal means of transport for service purposes shall receive monetary compensation under the procedure and of the amount established by the Russian Federation Government.

Servicemen of federal security service organs shall have telephones installed in their place of residence at the applicable rates within a period not exceeding one year from the date of their application.

(as per Federal Law No. 122-FZ of 22.08.2004)

Eighth and ninth paragraphs invalidated by Federal Law No. 122-FZ of 22.08.2004.

The time spent by servicemen of federal security service organs undergoing medical treatment in connection with injuries, contusions or maiming sustained in the carrying out of their official duties shall be unlimited, except where there is incontrovertible evidence demonstrating the possibility of them recovering their capacity for military service.

Eleventh paragraph invalidated by Federal Law No. 122-FZ of 22.08.2004.

Civilian personnel of federal security service organs and also their children up to eighteen years of age shall be entitled to medical assistance in military medical establishments and subdivisions of federal security service organs, covered by the federal budget funding allocated to the upkeep of federal security service organs.

(twelfth paragraph introduced by Federal Law No. 124-FZ of 05.07.2007)

Article 19. Persons assisting federal security service organs

Federal security service organs may recruit individuals with their consent to assist them in the performance of the duties assigned to federal security service organs on a public or covert/confidential basis, including as non-staff personnel. The powers of non-staff personnel of federal security service organs shall be defined by regulatory acts of the federal executive authority for security.

(as per Federal Law No. 86-FZ of 30.06.2003)

Persons assisting federal security service organs shall be entitled to:

- a) conclude a contract with federal security service organs on confidential cooperation;
- b) ["б" in Russian] receive explanations of their tasks, duties and rights from staff of federal security service organs;
- c) ["в" in Russian] use documents concealing their identity for secrecy purposes;
- d) ["г" in Russian] receive emoluments;
- e) ["д" in Russian] receive compensation for damage to their health or property sustained in the process of assisting federal security service organs.

Persons assisting federal security service organs shall be under obligation to:

- a) comply with the terms of the cooperation contract or agreement concluded with federal security service organs;

b) [*"б" in Russian*] carry out the instructions of federal security service organs for the implementation of the duties assigned to them;

c) [*"в" in Russian*] refrain from the deliberate provision of subjective, incomplete, false or defamatory information;

d) [*"з" in Russian*] not divulge information constituting a state secret and other information of which they become aware in the process of assisting federal security service organs.

The use of confidential assistance on a contractual basis from deputies, judges, prosecutors, lawyers, minors, clergymen and authorised representatives of officially registered religious organisations shall be prohibited.

Information on persons who assist or have assisted federal security service organs on a confidential basis shall constitute a state secret and may be made public only with the written consent of those persons and in the cases provided for in federal laws.

Article 20. Information Support for FSB Organs

For the purpose of carrying out their activities, federal security service organs may, on an unlicensed basis, devise, create and operate information systems, communications systems and data transmission systems, as well as means of protecting information, including cryptographic protection.

The presence in information systems of information on physical individuals and legal entities shall not be grounds for the taking of measures by federal security service organs restricting the rights of those individuals or entities.

The procedure for recording and using information on the committing of infringements with implications for the safeguarding of the security of the Russian Federation and also information on intelligence or other activity of foreign States' special services and organisations or individuals seeking to harm the security of the Russian Federation shall be established by regulatory acts of the federal executive authority for security.
(as per Federal Law No. 86-FZ of 30.06.2003)

Article 21 invalidated by Federal Law No. 86-FZ of 30.06.2003.

Article 22 invalidated by Federal Law No. 86-FZ of 30.06.2003.

Chapter V. MONITORING AND SUPERVISION OF THE ACTIVITY OF FEDERAL SECURITY SERVICE ORGANS

Article 23. Monitoring of the activity of federal security service organs

Monitoring of the activity of federal security service organs shall be exercised by the President of the Russian Federation, the Federal Assembly of the Russian Federation, the Russian Federation Government and judicial bodies within the limits of their competence, as defined by the Constitution of the Russian Federation, federal constitutional laws and federal laws.

Deputies/members of the Federation Council and deputies of the State Duma of the Federal Assembly of the Russian Federation shall be entitled in connection with the exercise of their parliamentary activities to obtain information on the activity of federal security service organs under the procedure defined by Russian Federation legislation.

Article 24. Supervision by the prosecutor

Supervision of the application of laws of the Russian Federation by federal security service organs shall be carried out by the Prosecutor General of the Russian Federation and prosecutors authorised by them.

Information on persons having provided or providing assistance to federal security service organs on a confidential basis and also on the organisation, tactics, methods and means used by federal security service organs to carry out their activity shall not fall within the scope of supervision by the prosecutor.

**Chapter VI.
FINAL PROVISIONS**

Article 25. Legal successors of federal security service organs

The Federal Security Service of the Russian Federation and the organs subordinate to it shall be the legal successors of the Federal Counter-Intelligence Service of the Russian Federation and its organs.

The servicemen and civilian personnel of counter-intelligence organs of the Russian Federation shall be considered to have performed military service or having worked in federal security service organs in the post they occupied without any recertification or reassignment and also without carrying out organisational staffing measures.

Article 26. Entry into force of the present Federal law

The present Federal law shall enter into force from the date of its official publication.

The Russian Federation Law "On federal state security service organs" (Official Gazette of the Congress of People's deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, 1992, No. 32, art. 1871; 1993, No. 33, art. 1308; No. 36, art. 1438) shall be deemed invalid from the date of entry into force of the present Law.

It is hereby proposed to the President of the Russian Federation and the Russian Federation Government is hereby instructed to bring their legal and regulatory acts into line with the present Federal law.

President of the Russian Federation
B. Yeltsin

Moscow, Kremlin
3 April 1995
No. 40-FZ

APPENDIX

Federal Law no. 238-FZ of 27 July 2010

"Amending the Federal Law "On the Federal Security Service" and the Code of Administrative Infringements of the Russian Federation"

Adopted by the State Duma on 16 July 2010
Ratified by the Federation Council on 19 July 2010

Article 1

Make the following amendments to Federal Law no. 40-FZ of 3 April 1995 "On the Federal Security Service" (Compendium of Legislation of the Russian Federation, 1995, no. 15, art. 1269; 2000, no. 1, art. 9; 2002, no. 30, art. 3033; 2003, no. 2, art. 156; no. 27, art. 2700; 2006, no. 17, art. 1779; no. 31, art. 3452; 2007, no. 31, art. 4008; 2008, no. 52, art. 6235):

1) supplement paragraph 1 of Article 13 with a sub-paragraph "d.2" [*"e.2" in the original Russian text*] worded as follows:

"d.2) [e.2)] issue a physical individual with an official warning, with which they are bound to comply, of the inadmissibility of actions creating conditions for the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, in the absence of grounds for criminal prosecution;"

2) Add an Article 13.1 worded as follows:

"Article 13.1. *Use of preventive measures by the federal security service authorities*
Preventive measures used by the federal security service authorities shall include the lodging of a request to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation and the issuing of an official warning, with which compliance is mandatory, of the inadmissibility of actions creating conditions for the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities.

In the presence of sufficient elements uncovered in the operational activities of the federal security service authorities which point to causes and conditions facilitating the carrying out of threats to the security of the Russian Federation, the federal security service authorities shall lodge with the corresponding state authorities or administrations of enterprises, institutions and organisations, regardless of their form of ownership, and also with public organisations, a request, with which those bodies are bound to comply, to eliminate said causes and conditions facilitating the carrying out of threats to the security of the Russian Federation.

For the purpose of preventing the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, in the presence of sufficient and previously confirmed information on acts of physical individuals creating conditions for the committing of the aforementioned crimes, and in the absence of grounds for their criminal prosecution, the federal security service authorities, having first informed the prosecutor thereof, may issue that individual with an official warning, with which they are bound to comply, of the inadmissibility of actions creating conditions for the committing of such crimes.

The head of the federal security service authority or their deputy who are empowered to issue an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, shall, within ten days following the receipt of information on the committing of the aforementioned actions by a physical individual, take a decision in the light of a check on that information as to whether to issue an official warning to that individual. Any such official warning shall be sent/handed to the physical individual concerned no later than five days from the date when that decision was taken.

The procedure for lodging a request to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation, the procedure for issuing an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, including the procedure for sending it/handing it over, the form of the official warning, and also the list of categories of heads of federal security service authorities and their deputies empowered to lodge such requests or issue such official warnings shall be established by legal and regulatory acts of the Federal executive authority in the security sphere.

A request to eliminate causes and conditions facilitating the carrying out of threats to the security of the Russian Federation or an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which detection and preliminary investigation is placed by Russian Federation legislation within the jurisdiction of the federal security service authorities may be appealed against before a court and the authorities indicated in Article 6 of the present Federal Law."

GARANT information system comment:

See review of amendments made by the present Federal Law to the Code of Administrative Infringements of the Russian Federation

Article 2

Make the following amendments to the Code of Administrative Infringements of the Russian Federation (Compendium of Legislation of the Russian Federation, 2002, no. 1, art. 1; no. 30, art. 3029; no. 44, art. 4295; 2003, no. 27, arts. 2700, 2708, 2717; no. 46, art. 4434; no. 50, arts. 4847, 4855; 2004, no. 31, art. 3229; no. 34, arts. 3529, 3533; 2005, no. 1, arts. 9, 13, 45; no. 10, art. 763; no. 13, arts. 1075, 1077; no. 19, art. 1752; no. 27, arts. 2719, 2721; no. 30, arts. 3104, 3131; no. 50, arts. 5247; 2006, no. 1, art. 10; no. 10, art. 1067; no. 12, art. 1234; no. 17, art. 1776; no. 18, art. 1907; no. 19, art. 2066; no. 23, art. 2380; no. 31, arts. 3420, 3438, 3452; no. 45, art. 4641; no. 50, art. 5279; no. 52, art. 5498; 2007, no. 1, arts. 21, 29; no. 16, art. 1825; no. 26, art. 3089; no. 30, art. 3755; no. 31, arts. 4007, 4008; no. 41, art. 4845; no. 43, art. 5084; no. 46, art. 5553; 2008, no. 18, art. 1941; no. 20, art. 2251; no. 30, art. 3604; no. 49, art. 5745; no. 52, arts. 6235, 6236; 2009, no. 7, art. 777; no. 23, art. 2759; no. 26, arts. 3120, 3122; no. 29, arts. 3597, 3642; no. 30, art. 3739; no. 48, arts. 5711, 5724; no. 52, art. 6412; 2010, no. 1, art. 1; no. 21, art. 2525; no. 23, art. 2790):

1) in Article 19.3:

a) supplement the title, after the words "psychotropic substances", with the words "an officer of the federal security service authorities,";

b) [6 – in Russian] add a paragraph 4 worded as follows:

"4. Failure to obey a lawful order or request given or made by an officer of the federal security service authorities in the performance of their duties and also hindering an officer in the performance of their duties

- shall be punishable by an administrative fine in the case of a citizen of between five hundred and one thousand roubles or administrative arrest for a period of up to fifteen days; or a fine of between one thousand and three thousand roubles in the case of an official; or a fine of between ten thousand and fifty thousand roubles in the case of a legal person."

c) [8 - in Russian] add an explanatory note worded as follows:

"Explanatory note. *The provisions of paragraph 4 of the present article shall not apply to citizens in the event of preventive measures being taken against them in accordance with the Federal Law "On the Federal Security Service".*

2) in paragraph 1 of Article 23.1, replace the words "paragraphs 1 and 3 of Article 19.3" with the words "paragraphs 1,3 and 4 of Article 19.3";

3) in sub-paragraph 56 of paragraph 2 of Article 28.3, after the words "Article 14.20," add the words "paragraph 4 of Article 19.3,".

President of the Russian Federation

D. Medvedev
Moscow, Kremlin
27 July 2010
no. 238-FZ