

**ORDER OF THE MINISTRY OF JUSTICE OF THE RUSSIAN FEDERATION NO. 88 OF MAY 4, 2007
ON THE APPROVAL OF EXPLANATIONS ON THE APPLICATION OF RULES FOR PREPARING THE
NORMATIVE LEGAL ACTS OF FEDERAL EXECUTIVE POWER BODIES AND ON THEIR STATE
REGISTRATION**

In conformity with Decision of the Government of the Russian Federation No. 1009 of August 13, 1997 on the Approval of Rules for Preparing the Normative Legal Acts of Federal Executive Power Bodies and on Their State Registration (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 33, 1997, Item 3895; No. 50, 1997, Item 5689; No. 8, 1999, Item 1026; No. 29, 2006, Item 3251), I hereby order:

1. To approve the hereto enclosed Explanations on the Application of Rules for Preparing the Normative Legal Acts of Federal Executive Power Bodies and on Their State Registration.

2. To recognize as having lost force Order of the Ministry of Justice of the Russian Federation No. 217 of July 14, 1999 on the Approval of Explanations on the Application of Rules for Preparing the Normative Legal Acts of Federal Executive Power Bodies and on Their State Registration (registered with the Ministry of Justice of Russia on July 16, 1999, under Registration No. 1835).

Minister

V.V. Ustinov

Registered with the Ministry of Justice of the Russian Federation on May 14, 2007
Registration No. 9449

**Appendix
to Order of the Ministry of Justice
of the Russian Federation
No. 88 of May 4, 2007**

**Explanations on the Application of Rules for Preparing the Normative Legal Acts of Federal
Executive Power Bodies and on Their State Registration**

The present Explanations have been elaborated in conformity with Item 1 of Decision of the Government of the Russian Federation No. 1009 of August 13, 1997 on the Approval of Rules for Preparing the Normative Legal Acts of Federal Executive Power Bodies and on Their State Registration*(1) (hereinafter referred to as the Rules), for the purposes of providing protection for the rights, freedoms and lawful interests of citizens, of improving the legal regulation and of exerting control over the correspondence of the normative legal acts, issued by the federal executive power bodies and by the other bodies and organisations, to the Constitution of the Russian Federation, to the federal laws, to the Decrees and Orders of the President of the Russian Federation, to the Decisions and Orders of the Government of the Russian Federation and to the international treaties.

I. Preparing the Normative Legal Acts of Federal Executive Power Bodies

1. The normative legal acts of federal executive power bodies shall be issued on the basis and in execution of the federal constitutional laws, of the federal laws and of the Decrees and Orders of the President of the Russian Federation, of the Decisions and Orders of the Government of the Russian Federation, as well as at the initiative of federal executive power bodies within the scope of their competence.

2. When preparing normative legal acts, it is recommended to draw on Decision of the State Duma of the Federal Assembly of the Russian Federation No. 781-II GD of November 11, 1996 on Turning to the Constitutional Court of the Russian Federation, in which definitions of a normative legal act and of a legal norm are provided:

"**A normative legal act** is a written official document adopted (issued) in a particular form by a law-creation body within the scope of its competence and directed at the establishment, amendment or cancellation of legal norms. In its turn, a legal norm is habitually interpreted as a generally obligatory state instruction of the permanent or provisional character, counted on a multilateral application".

3. As from the day of entry into force of Decision of the Government of the Russian Federation No. 1009 of August 13, 1997 on the Approval of Rules for Preparing the Normative Legal Acts of Federal Executive Power Bodies and for Their State Registration, the normative legal acts of federal executive power bodies shall be issued only in the form of decisions, orders, directions, rules, instructions and regulations.

The acts issued in a different form (for example, directives, etc.), shall not be of a normative legal character.

In this connection, to the state registration shall be subject the normative legal acts issued in accordance with the first paragraph of Item 2 of the Rules.

In conformity with Article 7 of Federal Law No. 86-FZ of July 10, 2002 on the Central Bank of the Russian Federation (the Bank of Russia)⁽²⁾, the Bank of Russia shall issue normative acts in the form of directives, regulations and instructions. The rules for preparing the normative acts of the Bank of Russia are established by the Bank of Russia on its own.

The issue of normative legal acts in the form of letters and telegrams is inadmissible.

The structural subdivisions and territorial bodies of federal executive power bodies have no right to issue normative legal acts.

4. A normative legal act may be issued jointly by several federal executive power bodies and other bodies (organisations), or by one of them in agreement with the others.

A normative legal act is seen as issued jointly, if it is signed (approved) by the heads (by the persons acting for the heads) of several federal executive power bodies and of the other bodies (organisations).

If in conformity with the legislation of the Russian Federation an agreement of a normative legal act is obligatory, and also if it contains provisions, norms and orders concerning the other federal executive power bodies or the other bodies and organisations, the draft normative legal act is subject to an agreement which shall be formalized by the visas of the heads or of the deputy heads of the corresponding federal executive power bodies or of the other bodies and organisations.

The draft normative legal acts of the federal services or of the federal agencies placed under the jurisdiction of the federal ministry and are endowed with the relevant powers shall be agreed with the corresponding federal ministry⁽³⁾.

The draft normative legal acts concerning the social and labour rights of workers shall be considered and adopted by the executive power bodies taking account of the opinion of the corresponding trade unions⁽⁴⁾.

5. The structures of a normative legal act shall provide for the logical development of the theme of legal regulation.

If an explanation of the purposes and motifs for the adoption of a normative legal act is required, in the draft shall be supplied an introductory part - the Preamble. Into the Preamble shall not be included any provisions of the normative character.

Normative directives shall be formalized as items enumerated in arabic figures with a point having no headings.

Items may be sub-divided into subitems enumerated either in letters or in figures.

Normative legal acts whose volume is substantial may be divided into chapters enumerated in Roman figures and supplied with headings (Item 6 of the Rules).

6. If it is necessary for an exhaustive presentation of the issue, in the normative legal acts may be reproduced the individual provisions of the acts of the legislation of the Russian Federation, which shall have references to these acts and to an official source of their publication (Rossiiskaya Gazeta, Sobranie Zakonodatelstva Rossiiskoy Federatsii, Sobraniye Aktov Prezidenta i Pravitelstva Rossiiskoy Federatsii, Vedomosti S'yezda Narodnykh Deputatov Rossiiskoy Federatsii i Verkhovnogo Sovieta Rossiiskoy Federatsii, etc.). If a reference is made to the acts of the legislation of the Russian Federation without reproducing their individual provisions, an indication of the official source of the publication is also necessary.

If the individual provisions of the other normative legal acts of federal executive power bodies, subject to state registration, or references to them are reproduced in a normative legal act, it is necessary to indicate their name, the full designation of the federal executive power body which has issued (adopted) the act, the date of issue (adoption), the number, as well as the registration number awarded to them by the Ministry of Justice of the Russian Federation at the state registration, and the date of the state registration.

If in a normative legal act the individual provisions of the acts of federal executive power bodies are reproduced that are recognized as not requiring state registration (as not in being in need of state registration) or individual references to them, it is necessary to supply their designation, the full name of the federal executive power body which has issued (adopted) the act, the date of issue (of adoption) and the number, as well as the date and number of the Letter of the Ministry of Justice of the Russian Federation, by which the act is recognized as not requiring state registration (as not being in need of state registration).

A reference to the act not requiring state registration (not being in need of state registration) which has not been earlier directed for state registration is possible only if it is simultaneously directed to the Ministry of Justice of the Russian Federation.

A reference in an act which has arrived for state registration to a normative legal act of the federal executive power body or of a different body (organisation), which has not passed state registration itself, is inadmissible.

7. If tables, graphs, maps and diagrams are supplied in a normative legal act, they shall be as a rule formalized as Appendices, while the corresponding items of the act shall have references to these Appendices. The document by which an Appendix is approved shall be indicated in it.

8. Simultaneously with the elaboration of a draft normative legal act shall be prepared proposals on an amendment or extension, or on recognizing as having lost force the corresponding acts or parts thereof issued at an earlier date.

If the federal executive power body recognizes a normative legal act registered with the Ministry of Justice of the Russian Federation, as having lost force, the corresponding document on recognizing it as having lost force shall be submitted for state registration in accordance with the established procedure.

The normative legal acts issued jointly or in agreement with the other federal executive power bodies shall be amended, extended or recognized as having lost force jointly or in agreement with these federal executive power bodies.

Provisions on an amendment, extension or recognition as having lost force of the earlier issued acts or parts thereof shall be included into the text of the normative legal act (with an indication of the cancelled chapters, items, subitems and paragraphs), or shall be formalized as an Appendix to the act.

If it is necessary to introduce amendments and addenda into several normative legal acts registered with the Ministry of Justice of the Russian Federation, it is recommended to formalize the amendments and addenda into each act by a separate document.

The amendments and addenda introduced into a normative legal act shall be formalized by a normative legal act of the same kind in which the basic document was issued, with the exception of cases when the act was issued in a form not stipulated in Item 2 of the Rules. In this case, it is necessary to introduce amendments into the normative legal act by an Order.

9. If when preparing a normative legal act a need has arisen to introduce essential amendments and addenda into the earlier issued normative legal acts or the existence of several acts on one and the same question is revealed, and also if amendments have been repeatedly introduced into the act, which makes it difficult to read and apply the normative legal act, a new uniform act shall be elaborated for the purpose of putting it into order. Into the draft of such act shall be included the new normative directives, as well as those contained in the earlier issued acts.

If it is necessary to introduce amendments and addenda into a normative legal act issued before the introduction of the state registration, and if it contains the features mentioned in Item 12 of the present Explanations, a new uniform act shall be elaborated.

10. The prepared draft normative legal act shall be checked before it is signed (approved) for correspondence to the legislation of the Russian Federation, as well as to the rules of the Russian language, and shall be visaed by the head of the legal service of the federal executive power body.

The normative legal acts shall be signed (approved) by the head of the federal executive power body or by a person acting for him.

Imposition of the execution of the duties of the head of the federal executive power body in case of his temporary disability, being on leave or absent for another reason, shall be stipulated in a directive document signed (approved) by the head of the federal executive power body.

A signed (approved) normative legal act shall possess the following requisites:

- designation of the body (bodies) which has (have) issued the act;
- designation of the kind of the act and of its title;
- date of signing (approval) of the act and its number;
- designation of the post and the surname of the person who has signed the act (Item 9 of the Rules).

A normative legal act issued jointly with the other federal executive power bodies, shall have the corresponding numbers and a uniform date.

II. State Registration of Normative Legal Acts

11. The normative legal acts shall be directed for state registration by:

- a) the federal executive power bodies (federal ministries, federal services and federal agencies);
- b) the other bodies and organisations, whose normative legal acts in conformity with the legislation of the Russian Federation are subject to state registration with the Ministry of Justice of the Russian Federation (with the Central Bank of the Russian Federation, the Pension Fund of the Russian Federation, the Federal Fund of Obligatory Medical Insurance and the Social Insurance Fund of the Russian Federation).

12. To the state registration are subject the following normative legal acts:

- a) those containing legal norms, concerning:
 - the civil, political, socio-economic and other rights, freedoms and obligations of the citizens of the Russian Federation, of foreign citizens and of stateless persons;
 - the guarantees for their exercise confirmed in the Constitution of the Russian Federation and in the other legislative acts of the Russian Federation;

- the mechanism for exercising the rights, freedoms and duties;
b) those establishing the legal status of organisations - the model, standard regulations (rules) on the bodies (for example, on the territorial), organisations, put under the jurisdiction of the corresponding federal executive power bodies, as well as those establishing the legal status of the organisations fulfilling in conformity with the legislation of the Russian Federation the individual most important state functions;

c) those of an inter-departmental character, that is, containing the legal norms, obligatory for the other federal executive power bodies and (or) organisations not included into the system of the federal executive power body which has approved (of two or more federal executive power bodies which have jointly approved) the normative legal act.

For state registration shall be directed the normative legal acts possessing both one and several of the above-described features.

To state registration are subject the normative legal acts, regardless of the term of their validity (those operating permanently or temporarily [adopted for a certain term]), including the acts containing information comprising state secret or information of a confidential character.

13. The federal executive power bodies and the other bodies and organisations shall direct for state registration the signed (approved) normative legal acts named in Item 12 of the present Explanations.

If doubts arise about the correspondence of the above acts to the criteria listed in Item 12 of the present Explanations, such acts shall also be directed for the state registration to the Ministry of Justice of the Russian Federation. The final resolution on the question of necessity of the state registration shall be passed by the Ministry of Justice of the Russian Federation after carrying out an expert examination.

14. The following acts shall be directed for the state registration:

- normative legal acts concerning the rights, freedoms and duties of man and citizen, or those of the inter-departmental character adopted by the federal executive power bodies after May 14, 1992;

- normative legal acts establishing the legal status of organisations adopted as from June 4, 1996*(5);

- normative legal acts of the Central Bank of the Russian Federation directly concerning the rights, freedoms and duties of citizens, passed as from May 4, 1995*(6).

- all normative acts of the Bank of Russia, with the exceptions stipulated in Federal Law No. 86-FZ of July 10, 2002 on the Central Bank of the Russian Federation (the Bank of Russia) - as from the moment of entry into force of the given Federal Law.

The normative legal acts issued before the entry into force of Decision of the Government of the Russian Federation No. 1009 of August 13, 1997 on the Approval of Rules for the Preparation of the Normative Legal Acts of Federal Executive Power Bodies and for Their State Registration which do not correspond to the list of the kinds of normative legal acts mentioned in the Rules shall be resigned (re-approved) before they are presented for state registration.

15. Not subject to the presentation for state registration are:

a) the individual legal acts;

- of a personal character (on an appointment or the relief from the post, on an encouragement or an levying a penalty, etc.);

- whose action is restricted to a single application;

- whose term of validity has expired;

- which are of an operative-directive character (single-time orders);

b) the acts by which decisions of the higher-placed state bodies are brought to the knowledge of the bodies and organisations in the system of the federal executive power body;

c) the acts directed towards organising the execution of the decisions of the higher placed bodies or of the own decisions of federal executive power bodies and not containing any new legal norms;

d) technical acts (GOSTs [the state standards], SNIPIs [the sanitary norms and rules], tariff and qualifications manuals, forms for the statistical observation, etc.) if they do not contain any normative directives;

e) acts of a recommendatory character;

f) in conformity with Article 7 of Federal Law No. 86-FZ of July 10, 2002 on the Central Bank of the Russian Federation (the Bank of Russia), the normative acts of the Bank of Russia, establishing:

- the exchange rates of foreign currencies with respect to the rouble;

- a change in the interest rates;

- the size of the reserve demands;

- the sizes of the obligatory normatives for credit institutions and bank groups;

- direct quantitative restrictions;

- rules for the accountancy recording and for reports for the Bank of Russia;

- the procedure for ensuring the functioning of the Bank of Russia's system.

16. The normative legal acts subject to state registration shall be presented to the Ministry of Justice of the Russian Federation not later than ten days as from the day of their signing (approval) the exchange rates

The presentation for state registration of a normative legal act issued jointly by several federal executive power bodies, shall be imposed upon the federal executive power body named as the first among those which have signed (approved) the act.

If the normative legal act is approved jointly by the federal executive power bodies and by the bodies (organisations) whose acts are not subject to the state registration with the Ministry of Justice of the Russian Federation, while the given bodies (organisations) are named as the first, the normative legal act shall be presented for state registration by the federal executive power body next to the above-mentioned bodies (organisations).

17. The normative legal acts shall be directed for state registration to the Ministry of Justice of the Russian Federation by the head (by the deputy head) of the federal executive power body in six copies (the original and five copies, one of which may be presented on a magnetic medium). The normative legal acts containing information comprising state secrets, shall be presented in two copies (the original and one copy).

If the normative legal act is signed (approved) by a person acting for the head of the federal executive power body or the other body (organisation), a copy of the directive document on imposing the corresponding duties shall be enclosed with the normative legal act.

The copies of the normative legal acts shall be certified in accordance with the established procedure and shall be clear enough for reading, the text shall be put on a sheet without a reverse side and without a reduction of the scale.

On the reverse side of each sheet of the original of the normative legal act shall be put the visa of the head of the legal service of the federal executive power body.

18. To the normative legal act shall be enclosed a reference note (in one copy), which shall be signed by the head of the legal service of the federal executive power body or of the other body (organisation) submitting the normative legal act for the registration.

The reference note enclosed with the normative legal act signed (approved) by the heads of several federal executive power bodies or of the other bodies (organisations), shall be signed by the heads of the legal services of all the federal executive power bodies and of the other bodies (organisations).

In the reference note shall be reflected:

a) the ground for the issue of the normative legal act:

- information on the acts of the legislation of the Russian Federation (the name, date, official source of the publication, the numbers of articles and of items), by which the federal executive power body was ordered to elaborate the normative legal act, as well as the number and date of the Order of the President of the Russian Federation or of the Government of the Russian Federation (a copy of the Order shall be enclosed to the reference note);

- information on the acts of the legislation of the Russian Federation (the name, date, official source of the publication, the numbers of articles and of items), defining the competence of the federal executive power body or of the other body (organisation), if the normative legal act is issued at the initiative of the federal executive power body or of the other body (organisation);

b) information on all the currently operating normative legal acts issued by the federal executive power body (by the federal executive power bodies) or by the other body (organisation) on the given question, including on those registered with the Ministry of Justice of the Russian Federation, with an indication of the registration numbers and of the date of the registration, and information on the time terms for their adjustment to the adopted act. If it is not necessary to introduce amendments into the currently operating acts, information to this effect shall also be reflected in the reference note;

c) information on the agreement of the normative legal act with the interested federal executive power bodies and with the other bodies (organisations), if such agreement is obligatory;

d) the list of acts of the legislation of the Russian Federation, used while elaborating the normative legal act (the name, date and number, the official source of publication, the numbers of articles and of items).

If in the normative legal acts there are references to the acts of federal executive power bodies or of the other bodies (organisations) which do not require state registration, in the reference note shall be indicated the number and date of the Letter of the Ministry of Justice of the Russian Federation by which the act is recognized as not requiring state registration.

In an accompanying letter or in the reference note it is necessary to indicate the telephone number and the surname of the specialist and of the head of the structural subdivision of the federal executive power body responsible for the act's passing the state registration with the Ministry of Justice of the Russian Federation.

If the normative legal act is directed for the state registration repeatedly, and also if it is issued instead of an act, whose registration was refused, it is necessary to indicate in the reference note the date and number of the Letter of the Ministry of Justice of the Russian Federation on the refusal of state registration, or on the return of the normative legal act without state registration.

19. If the need arises to change the legal regulation of the questions resolved in the normative legal acts of the former ministries and departments of the USSR, such amendment shall be formalized by the adoption of a new normative legal act with an indication in it that the individual provisions or the entire act of the former ministries and departments of the USSR are not applied on the territory of the Russian Federation.

20. The state registration of the normative legal acts shall be effected by the Ministry of Justice of the Russian Federation within a term of up to fifteen working days as from the date of receiving the act.

If necessary, the time term of the registration may be extended by the Ministry of Justice of the Russian Federation, but by no more than ten working days, and in exceptional cases - by up to one month.

21. The originals of normative legal acts whose state registration has been refused shall be returned by the Ministry of Justice of the Russian Federation, after placing onto them the corresponding stamp, to the federal executive power body or to the other body (organisation) which has issued them, with an indication in writing of the reasons behind the refusal.

Within ten days as from the moment of receipt of the refusal of state registration, the head of the federal executive power body or the person acting for him, shall issue the corresponding documents about the cancellation of the normative legal act whose registration was refused, and shall direct a copy thereof to the Ministry of Justice of the Russian Federation. The given document shall not contain legal norms or require state registration.

In an accompanying letter to the document about the cancellation of the normative legal act, it is necessary to name the date and number of the letter of the Ministry of Justice of the Russian Federation on the refusal of state registration.

22. The normative legal act may be returned by the Ministry of Justice of the Russian Federation without registration to the federal executive power body which has submitted this act for state registration, at its request. In this case, the federal executive power body shall direct to the Ministry of Justice of the Russian Federation a corresponding letter, signed by the head or by the deputy head of the federal executive power body.

The normative legal act may also be returned by the Ministry of Justice of the Russian Federation to the federal executive power body without registration, if the established procedure for the presentation of the act for the state registration or the Rules for the Preparation of the Normative Legal Acts of Federal Executive Power Bodies and for Their State Registration, approved by Decision of the Government of the Russian Federation No. 1009 of August 13, 1997, have been violated. In this case, the Ministry of Justice of the Russian Federation shall return the normative legal act with an indication in writing of the particular reasons.

If the normative legal act is returned without registration, one copy thereof shall be left with the Ministry of Justice of the Russian Federation.

The normative legal act shall be repeatedly submitted for the state registration within one month, or to the Ministry of the Russian Federation shall be directed a copy of the document on the cancellation of the normative legal act. The given document shall contain no legal norms and shall not require the state registration.

In an accompanying letter, with which the document on the cancellation of legal acts is forwarded, it is necessary to indicate the date and number of the letter of the Ministry of Justice of the Russian Federation about the return without registration.

23. If an act presented for state registration is recognized as a result of a legal expert examination by the Ministry of Justice of the Russian Federation as not requiring state registration (as not being in need of state registration), such act shall be returned to the federal executive power body which has submitted it for state registration, with an indication (in writing) of the ground for the adoption of the given decision and with putting onto the act's original the corresponding stamp. In this case, one copy of the act shall be left with the Ministry of Justice of the Russian Federation. If any amendments are introduced into such act, it shall be presented to the Ministry of Justice of the Russian Federation for carrying out a legal expert examination.

24. If the decision is passed on the state registration, the normative legal act shall be entered into the State Register of the Normative Legal Acts of Federal Executive Power Bodies, assigning it a registration number.

The original of the normative legal act shall be issued to the worker of the federal executive power body against receipt after assigning it a registration number, after entering it into the State Register of the Normative Legal Acts of Federal Executive Power Bodies and after putting onto it the corresponding stamp. If within twenty-four hours of state registration the act is not received, it may be forwarded by the Ministry of Justice of the Russian Federation by mail to the federal executive power body which has presented the act for the state registration.

25. The normative legal acts concerning the rights, freedoms and duties of man and citizen, establishing the legal status of organisations or bearing an inter-departmental character, are subject to

official publication in the established order, except the acts or their individual provisions, which contain information comprising the state secret, or information of the confidential character.

The copies of the acts subject to official publication shall be forwarded by the Ministry of Justice of the Russian Federation, within one day after state registration, to Rossiiskaya Gazeta, to the Byulleten Normativnykh Aktov Federalnykh Organov Iсполnitelnoy Vlasti of the "Legal Literature" publishing house under the Administration of the President of the Russian Federation, to the "System" scientific-technical centre of legal information and to the Institute of Legislation and Comparative Jurisprudence under the Government of the Russian Federation.

When publishing and sending over a normative legal act, it is obligatory to indicate the number and date of its state registration.

In exceptional cases, the Appendices to normative legal acts containing tables, graphs, maps and diagrams (of an auxiliary or an additional character) may not be published in agreement with the federal executive power body or with another body (organisation) of the Ministry of Justice of the Russian Federation, but in this case it is obligatory to indicate in the publication, what particular Appendix is not cited.

An act recognized by the Ministry of Justice of the Russian Federation as not requiring state registration shall be published in the order to be defined by the federal executive power body which has approved this act. The procedure for this act's entry into force shall also be defined by the federal executive power body, which has issued it.

After the publication of an act recognized as not requiring state registration, the federal executive power body shall inform the Ministry of Justice of the Russian Federation of the source of the publication (the name of the publication, its number and date). One copy of the given publication shall be directed to the Ministry of Justice of the Russian Federation.

26. The amendments and addenda to the normative legal acts which have passed state registration (regardless of whether they do or do not contain any legal norms), as well as the acts on recognizing certain registered normative legal acts as having lost force (on their cancellation) shall be registered in the order established in the Rules.

27. The federal executive power bodies shall direct for execution the normative legal acts subject to state registration only after their registration and official publication.

In conformity with Decree of the President of the Russian Federation No. 763 of May 23, 1996 on the Procedure for the Publication and Entry into Force of the Acts of the President of the Russian Federation and of the Government of the Russian Federation, and of the Normative Legal Acts of the Federal Executive Power Bodies, the normative legal acts of the federal executive power bodies, except the acts and the individual provisions thereof, containing information comprising state secrets or information of a confidential character which have not passed state registration, as well as those registered but not published in the established order, shall not entail any legal consequences as those not entered into force and cannot serve as a ground for the regulation of the corresponding legal relations and for handing out any sanctions against the citizens, officials or organisations for the non-fulfilment of the instructions contained in them. To such acts shall not be made any references when resolving disputes.

28. According to Subitem 11 of Item 8 of the Regulations on the Ministry of Justice of the Russian Federation, approved by Decree of the President of the Russian Federation No. 1313*(7) of September 13, 2004, the Ministry of Justice of the Russian Federation has the right, in order to exercise its powers, to direct in the order established by the Government of the Russian Federation for the federal executive power bodies and for the other bodies, a representation for the cancellation or for an amendment of the normative legal acts they have adopted, which contradict the Constitution of the Russian Federation and the legislation of the Russian Federation.

The Ministry of Justice of the Russian Federation shall apply the procedure for directing a representation for the cancellation or for an amendment of a normative legal act contradicting the Constitution of the Russian Federation and the legislation of the Russian Federation, established for the federal executive power bodies with respect to relations arising in connection with the issue of such act by a body, the state register of whose acts is kept by the Ministry of Justice of the Russian Federation (Item 3 of Decision of the Government of the Russian Federation No. 418 of July 7, 2006 on Certain Measures for an Implementation of Decree of the President of the Russian Federation No. 1313 of October 13, 2004, the Questions of the Ministry of Justice of the Russian Federation).

In conformity with Item 4.1 of Decision of the Government of the Russian Federation No. 1009 of August 13, 1997, on the Approval of Rules for the Preparation of the Normative Legal Acts of Federal Executive Power Bodies and for Their State Registration, a representation for the cancellation or for an amendment of a normative legal act, passed by the federal executive power body which contradicts the Constitution of the Russian Federation and the legislation of the Russian Federation, shall be directed by the Ministry of Justice of the Russian Federation to the federal executive power body and shall be executed by the federal executive power body within a month as from the day of its receipt.

If the representation is not executed, the Ministry of Justice of the Russian Federation shall hand in to the Government of the Russian Federation a proposal on the cancellation or on the suspension of operation of such act, together with the substantiation, reflecting the positions of the Ministry of Justice of the Russian Federation and of the federal executive power body which has issued the act and the draft of the corresponding Order of the Government of the Russian Federation.

In conformity with Article 12 of Federal Constitutional Law No. 2-FKZ of December 17, 1997 on the Government of the Russian Federation, the Government of the Russian Federation has the right to cancel the acts of the federal executive power bodies or to suspend the operation of such acts*(8).

*(1) Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 3, 1997, Item 3895; No. 50, 1997, Item 5689; No. 47, 1998, Item 5771; No. 8, 1999, Item 1026; No. 40, 2002, Item 3929; No. 29, 2006, Item 3251.

*(2) Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 28, 2002, Item 279; No. 2, 2003, Item 157; No. 52 (first part), 2003, Item 5032; No. 52 (first part), 2003, Item 5029; No. 52 (first part), 2003, Item 5038; No. 27, 2004, Item 2711; No. 31, 2004, Item 3233; No. 52 (first part), 2004, Item 5277; No. 25, 2005, Item 2426; No. 30 (first part), 2005, Item 3101; No. 19, 2006, Item 2061; No. 25, 2006, Item 2628.

*(3) Item 5.6 of the Model Regulations on the Internal Organisation of Federal Executive Power Bodies, approved by Decision of the Government of the Russian Federation No. 452 of July 28, 2005 (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 31, 2005, Item 3233).

*(4) Article 11 of Federal Law No. 10-FZ of January 12, 1996 on the Professional Unions, on Their Rights and on the Guarantees for Their Activity (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 3, 1996, Item 148).

*(5) As from the day of entry into force of Decree of the President of the Russian Federation No. 763 of May 23, 1996 on the Procedure for the Publication and Entry into Force of the Acts of the President of the Russian Federation and of the Government of the Russian Federation, and of the Normative Legal Acts of Federal Executive Power Bodies (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 22, 1996, Item 2663).

*(6) As from the day of entry into force of Federal Law No. 65-FZ of April 26, 1995 on the Introduction of Amendments and Addenda into Law of the RSFSR on the Central Bank of the RSFSR (the Bank of Russia) (Rossiiskaya Gazeta, No. 86 of May 4, 1995).

*(7) Sobranie Zakonodatelstva Rossiskoy Federatsii, No. 42, 2004, Item 4108; No. 44, 2005, Item 4535; No. 52 (third part), 2005, Item 5690; No. 12, 2006, Item 1284; No. 19, 2006, Item 2070; No. 23, 2006, Item 2452.

*(8) Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 51, 1997, Item 5712.