

**DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1009 OF AUGUST 13, 1997
ON THE APPROVAL OF THE RULES FOR PREPARING THE NORMATIVE LEGAL ACTS OF THE
FEDERAL BODIES OF THE EXECUTIVE POWER AND THEIR STATE REGISTRATION (with the
Amendments and Additions of December 11, 1997, November 6, 1998, February 11, 1999,
September 30, 2002, July 7, 2006)**

For the purpose of the further perfection of the work in preparing the normative legal acts of the federal bodies of the executive power and their state registration the Government of the Russian Federation resolves:

1. To approve the annexed Rules for Preparing the Normative Legal Acts of the Federal Bodies of the Executive Power and Their State Registration.

To establish that the explanations on the application of the said Rules shall be given by the Ministry of Justice of the Russian Federation.

2. The federal bodies of the executive power shall:

ensure the timely adoption of normative legal acts in execution of the federal constitutional laws, federal laws, decrees and orders of the President of the Russian Federation, decisions and orders of the Government of the Russian Federation;

within ten days to forward the regulatory legal acts requested under Item 4 of the present decision to the Ministry of Justice of the Russian Federation ;

to present every month the lists of edited legal acts to the Ministry of Justice of the Russian Federation;

prevent the cases of the sending for execution of the normative legal acts that have not passed the state registration and have not been published in the established procedure;

carry out the measures for strengthening the legal services and raising the efficiency of their activity;

bring within a month their normative legal acts in conformity with the present Decision.

To establish that the heads of the federal bodies of the executive power shall bear personal responsibility for the non-observance of the Rules for Preparing the Normative Legal Acts of the Federal Bodies of the Executive Power and Their State Registration.

3. The Ministry of Justice of the Russian Federation shall:

sum up the practice of the state registration of the normative legal acts of the federal bodies of the executive power concerning the rights, freedoms and duties of man and citizen, establishing the legal status of organisations or having interdepartmental character, and submit annually to the Government of the Russian Federation the relevant information, including about the normative legal acts that have been refused the state registration;

submit within two months proposals for the rules for the codification of the normative legal acts of the federal bodies of the executive power.

4. The Ministry of Justice of the Russian Federation may:

carry out in the federal bodies of the executive power the check of the work in the selection of the normative legal acts that are subject to the state registration and, where necessary, request certain normative legal acts for the state registration;

to pass to the mass media information on the regulatory legal acts applicable without state registration as well as on the acts recognized as not being in compliance with the legislation by the Supreme Court of the Russian Federation or the Higher Arbitration Court of the Russian Federation;

attract, if necessary, highly qualified specialists and researchers as non-staff experts for the preparation of conclusions on the normative legal acts of the federal bodies of the executive power that have been submitted for the state registration.

The remuneration of labour of the non-staff experts shall be carried out the funds of the federal budget stipulated for the Ministry of Justice of the Russian Federation.

4.1. The presentation on the revocation or the change of the normative legal act that runs counter to the Constitution of the Russian Federation and the legislation of the Russian Federation, adopted by a federal executive body, shall be forwarded by the Ministry of Justice of the Russian Federation to the respective federal executive body and shall be executed by the federal executive body within a month since the day of reception.

In the event of the non-fulfilment of the presentation the Ministry of Justice shall submit to the Government of the Russian Federation its proposal on the repeal or the suspension of such act together with the substantiation reflecting the positions of the Ministry of Justice of the Russian Federation and the federal executive body that issued the act and with the draft of the corresponding order of the Government of the Russian Federation.

5. To invalidate:

the Decision of the Government of the Russian Federation No. 305 of May 8, 1992 on the State Registration of Departmental Normative Acts;

the Decision of the Council of Ministers - the Government of the Russian Federation No. 722 of July 23, 1993 on the Approval of the Rules for Preparing the Departmental Normative Acts (Sobraniye aktov Prezidenta i Pravitelstva Rossiyskoy Federatsii, 1993, No. 31, item 2857).

Chairman
of the Government
of the Russian Federation

Viktor Chernomyrdin

RULES FOR PREPARING THE NORMATIVE LEGAL ACTS OF THE FEDERAL BODIES OF THE EXECUTIVE POWER AND THEIR STATE REGISTRATION (Approved by the Decision of the Government of the Russian Federation No. 1009 of August 13, 1997) (with the Amendments and Additions of December 11, 1997, November 6, 1998, February 11, 1999, September 30, 2002, July 7, 2006)

- I. Preparation of the Normative Legal Acts of the Federal Bodies of the Executive Power (Items 1 - 9)
- II. State Registration of Normative Legal Acts of the Federal bodies of the Executive Power (Items 10 - 20)

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

1. Normative legal acts of the federal bodies of the executive power (hereinafter referred to as normative legal acts) shall be issued on the basis and in execution of federal constitutional laws, federal laws, decrees and orders of the President of the Russian Federation, decisions and orders of the Government of the Russian Federation, and also on the initiative of the federal bodies of the executive power within the ambits of their competence.

2. Normative legal acts shall be issued by the federal bodies of the executive power in the form of decisions, orders, rules, instructions and regulations.

It shall be impermissible to issue normative legal acts in the form of letters and telegrams.

The structural units and territorial bodies of the federal bodies of the executive power shall not have the right to issue normative legal acts.

3. A normative legal act may be issued jointly by several federal bodies of the executive power or by one of them in agreement with the orders.

The draft of a normative legal act shall be subject to agreeing upon with the interested ministries and departments, if such agreeing upon is obligatory in accordance with the legislation of the Russian Federation, and also if the normative legal act contains provisions, norms and assignments concerning other ministries and departments. The agreeing upon of a normative legal act shall be formalized with visas.

A visa shall comprise the name of the position of the head of a ministry (department) or his deputy and the personal signature of the issuer of the visa, the interpretation of the signature and the date.

The visas shall be put down in the lower part of the reverse side of the last sheet of the original of a normative legal act.

4. The preparation of the draft of a normative legal act shall be entrusted to one or several structural units of a federal body of the executive power with regard to their functions and competence. In this case there shall be determined the circle of officials responsible for the preparation of such draft, the time for its preparation and, where necessary, the organisations to be attracted to the work.

The legal service of the federal body of the executive power shall participate in the preparation of the draft of a normative legal act.

The period for the preparation of the draft and the issuance of a normative legal act in execution of federal constitutional laws, federal laws, decrees and orders of the President of the Russian Federation, decisions and orders of the Government of the Russian Federation must not, as a rule exceed one month, unless a different period has been established.

Work groups may be created for preparing the drafts of the most important and complicated normative legal acts, and also acts to be issued jointly by several federal bodies of the executive power.

On the request of the federal bodies of executive power and in compliance with the agreements signed with them the Ministry of Justice of the Russian Federation may carry on the legal expert examination of their draft regulatory legal acts.

5. In the process of the work over the draft of a normative legal act there must be studied the legislation of the Russian Federation, the agreements on the delimitation of the objects of jurisdiction and

authority between the bodies of the state power of the Russian Federation and the bodies of the state power of the entities of the Russian Federation, the practice of the application of the relevant normative legal acts, the scientific literature and the materials of the periodic press on the issue under consideration, and also the data of sociological and any other investigations, if the latter have been carried out, concerning the subject of the draft.

6. The structure of a normative legal act must ensure the logical development of the subject of the legal regulation.

If it is required to explain the purposes and reasons for adopting a normative legal act, then an introductory part - a preamble - shall be given in the draft. No provisions of normative character shall be included in the preamble.

Normative precepts shall be drawn up in the form of items, which shall be numbered with Arabic numerals with a point and shall have no headings. Items may be subdivided into subitems, which may have numeration in letters or in digits.

Voluminous normative legal acts may be subdivided into chapters, which shall be numbered with Roman numerals and shall have headings.

If necessary, for the fullness of the statement of an issue, normative legal acts may reproduce certain provisions of the legislative acts of the Russian Federation, which must have references to such acts and to the official source of their publication.

If a normative legal act gives tables, graphs, maps or diagrams, then they must, as a rule, be drawn up in the form of annexes, and the relevant items of the act must have references to such annexes.

7. Simultaneously with the drafting of a normative legal act, proposals must be prepared for amending, supplementing or invalidating relevant earlier issued acts or parts thereof.

Normative legal acts issued jointly or in agreement with other federal bodies of the executive power shall be amended, supplemented or invalidated in agreement with such federal bodies of the executive power. The provisions on amending, supplementing or invalidating the earlier issued acts or parts thereof shall be incorporated into the text of a normative legal act.

8. If in preparing a normative legal act there have been revealed the necessity for essentially amending and supplementing certain earlier issued normative legal acts or the existence of several acts on one and the same issue, then, for the purpose of ordering them, a single new act shall be elaborated. The draft of such act shall comprise new precepts contained in the earlier issued acts.

9. Prior to being signed (approved), the prepared draft of a normative legal act must be checked for conformity to the legislation of the Russian Federation, and also to the rules of the Russian language and visaed by the head of the legal service of the federal body of the executive power.

Regulatory legal acts shall be signed (approved) by the head of a federal body of executive power or the person acting as such.

A signed (approved) normative legal act must have the following requisite elements:

the name of the body (bodies) that has (have) issued the act;

the name of the type of the act and its title;

the date of the signature (approval) of the act and its number;

the name of the position and the surname of the person that has signed the act.

A regulatory legal act enacted jointly with other federal bodies of executive power shall bear respective numbers and single date.

II. State Registration of Normative Legal Acts of the Federal bodies of the Executive Power

10. The normative legal acts concerning the rights, freedoms and duties of man and citizen, establishing the legal status of organisations or having interdepartmental character, regardless of the period of their effect, including the acts containing data constituting a state secret or data of confidential character shall be subject to the state registration.

11. The state registration of normative legal acts shall be conducted by the Ministry of Justice of the Russian Federation, which shall keep the State Register of Normative Legal Acts of the Federal Bodies of the Executive Power.

The state registration of a normative legal act shall comprise:

a legal expert examination of the conformity of the act to the legislation of the Russian Federation;

the adoption of a decision on the necessity of the state registration of the given act;

the conferment of a registration number thereto;

the entering thereof in the State Register of Normative Legal Acts of the Federal Bodies of the Executive Power.

12. The regulatory legal acts subject to state registration shall be within ten days from the date when they were signed (approved) presented to the Ministry of Justice of the Russian Federation in six copies (the original and five copies, one of which can be presented on a magnetic carrier). The regulatory legal acts containing intelligence that constitute state secret or confidential intelligence shall be presented in duplicate (the original and one copy);

The submission for the state registration of a normative legal act issued jointly by several federal bodies of the executive power shall be entrusted to the body which is indicated the first among the signatories (approvers) of the act.

A normative legal act may be annexed with a reference containing:

the bases for the issuance of the normative legal act;

the data on all effective normative legal acts concerning the given matter and the information on the time for their bringing in conformity with the adopted act;

the data on the agreeing upon of the act with the interested federal bodies of the executive power and any other state bodies, if such agreeing upon is obligatory.

A normative legal act submitted for the state registration must be visaed, and the annexed reference signed by the head of the legal service of the federal body of the executive power that has submitted the act for the registration. The normative legal act, presented for state registration shall be signed (approved) by the head of the federal executive body, whereas the reference appended to the normative legal act shall be signed by the chief of the legal service of the federal executive body that issues the said act.

The head of the legal service of the federal body of executive power shall put his/her signature on the reverse side of each sheet of the original regulatory legal act.

13. The state registration of the normative legal acts shall be carried out by the Ministry of Justice of the Russian Federation within a period of up to 15 working days from the date of the receipt of the act.

If required, the period of registration may be prolonged by the Ministry of Justice of the Russian Federation, but no more than for 10 working days, and in exceptional cases, up to one month.

14. The registration of a normative legal act may be refused, if in the conduct of a legal expert examination it is established that the act does not conform to the legislation of the Russian Federation.

15. The normative legal acts whose state registration has been refused shall be returned by the Ministry of Justice of the Russian Federation to the body that has issued them with the indication of the reasons for the refusal.

Within ten days from the date when the denial of state registration was received the head of the federal body of executive power or the person acting in the capacity thereof shall issue a respective document to repeal the regulatory legal act that has been denied registration and shall forward a copy thereof to the Ministry of Justice of the Russian Federation.

16. A normative legal act may be returned by the Ministry of Justice of the Russian Federation to the federal body of the executive power without registration at the request of the federal body of the executive power that submitted the act for the state registration, and also if there have been violated the established procedure for submitting an act for the state registration or the present Rules.

Should a regulatory legal act be returned without state registration in case the procedure established for submission for state registration or the present Rules having been violated, the violations shall be eliminated and the acts shall be again submitted for state registration within one month or a copy of the document whereby the regulatory legal act has been repealed shall be forwarded to the Ministry of Justice of the Russian Federation.

17. Within twenty-four hours after the state registration the original of a normative legal act with the registration number conferred thereto shall be sent by the Ministry of Justice of the Russian Federation to the federal body of the executive power that has submitted the act for the state registration.

The normative legal acts concerning the rights, freedoms and duties of man and citizen, establishing the legal status of organisations or having interdepartmental character shall be subject to official publication in the established procedure, except the acts or certain provisions thereof containing data constituting a state secret, or data of confidential character.

Copies of the acts subject to official publication shall within one day after the state registration be forwarded by the Ministry of Justice of the Russian Federation to the Russian Gazette, to the Bulletin of the Regulatory Acts of the Federal Bodies of Executive Power of the editorial house "Legal Literature" of the Administration of the President of the Russian Federation, to the legal information scientific and technical center "System" and to the Institute of Legislation and Comparative Law Studies with the Government of the Russian Federation;

In the publication and delivery of a normative legal act it shall be obligatory to indicate the number and date of the state registration.

An act recognized by the Ministry of Justice of the Russian Federation as not needing state registration shall be subject to publication in accordance with the procedure defined by the federal body of executive power that has adopted the act. In such a case the procedure for the act coming into force shall also be defined by the federal body of executive power that has enacted the act.

18. Any amendments and supplements being introduced into normative legal acts that have passed the state registration shall be subject to registration in the procedure established by the present Rules.

19. The federal bodies of the executive power shall send for execution the normative legal acts are subject to the state registration only after they have registered and officially published.

In the violation of the indicated requirements the normative legal acts as not having entered into force shall not be applicable.

20. Abolished.