(c) Documents submitted by the Russian Federation on 24 July 2007: - Detailed information on the different components of the bond amounting to 22 million roubles, the legal basis and the way of calculating each of these components

Case No. 14

Detailed information on the different components of the bond amounting to 22 million roubles, the legal basis and the way of calculating each of these components.

The elements making up the amount of the bond for the purpose of prompt release of the Japanese vessels detained for the violations of the rules of fishing in the Russian EEZ, are laid down in full details in Item 4, Annex II-1 to the Memorandum II of 26 April 2007 addressed by the Department of Fisheries of the Ministry of Agriculture of the Russian Federation to the Department of Fisheries of the Ministry of Agriculture, Forestry and Fisheries of Japan (Annex 19 to the Statement of the Russian Federation in Response).

According to this mutually agreed criteria the bond should be set taking into account the following amounts:

- fines, imposable for the offences;
- compensation for the damage caused;
- cost of illegally harvested living resources and processed products thereof;
- cost of the tools used to commit an offence (i.e. vessel, equipment, gear *etc*).

1. Fines applicable for the offences related to violations of the Russian EEZ fisheries regulations by the Hoshinmaru-88

A. Fine applicable through administrative case

Article 8.17(2) of the Code on Administrative Offences of the Russian Federation stipulates that a Ship-owner violating the fishing

regulations in the Russian EEZ or the terms of the license "shall entail the imposition of an administrative fine [...] in the amount of from 2-fold to 3-fold cost of water biological (living) resources which have become the subject of the administrative offence with or without confiscation of the vessel and of other instruments of commiting the administrative offence".

The fine has been calculated as follows:

weight of catch x cost of 1 kg x 3-fold fine, i.e.

20,063.8 kg x 33.25 roubles x 3 = 2,001,364.05 roubles

B. Fine applicable through criminal case

Article 256 of the Criminal Code of the Russian Federation provides that "illegal catching of fish [...] if these acts have been committed:

a) with the infliction of large damage;

b) with the use of a self-propelled transport craft, explosives, chemicals, electric current, or any other methods of mass extermination of said aquatic animals or plants; [...]

and committed [...] by a group of persons in previous concert, or by an organized group, shall be punishable by a fine in the amount of RUR 100,000 to 500,000 [...]".

This part of the bond has been set at the level **500,000.00 roubles** (due to gravity of the committed offence).

2. Compensation for the damage

Article 56 of the Federal Law of the Russian Federation "On Wildlife" establishes responsibility of legal entities and individuals for the damage caused to objects of the wildlife. Such damage is calculated in accordance with respective tariffs and methods.

The total amount of the illegal catch on board of the Hoshinmaru-88

was 20,063.8 kg of raw sockeye salmon.

The Regulation of the Government of the Russian Federationno.724 of 26 September, 2000 established rates for calculation of the damage caused by illegal fishing in the Russian EEZ, which for the sockeye salmon is 1250 roubles. Thus, the compensation for the damage shall be calculated as following (quantitative amount of the illegal catch in pieces x tax per piece):

6,342 x 1,250.00 roubles = 7,927,500.00 roubles

3. Cost of illegally harvested living resources and processed products thereof

Since the mentioned staff - illegal catch (667,121.35 roubles) and of processed catch (387,596.20 roubles) - was seized by the Russian authorities it is not included into the sum of the bond.

4. Cost of the tools used to commit an offence (i.e. vessel, equipment, gear *etc*) subject to the confiscation provided for in Article 8.17 (2) of the Code of Administrative Offences of the Russian Federation

The value of the vessel, including its equipment, was established through appreciation expertise conducted by a Russian Consulting Group "Capital-Plus" on July 18, 2007. The appreciation was conducted in accordance with the Federal Law "On assessment procedure in the Russian Federation" and the criteria established by the Governmental Decree No.519 of July 6, 2001. As for the calculation methodology, a combination of "comparative" and "costs/expenses" approach was applied in the case.

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Following the "comparative" approach the expert took into consideration the following parameters of the vessel in question: year of its production, performance attributes, engine power. This assessment was performed through comparing the costs of 6 vessels of the kind, both in Russia and abroad.

In "costs/expenses" assessment the value of the vessel was established by accounting the expenses required to restore the object of the assessment to the desired level of usability. Here the level of physical, functional and exterior wear and tear was taken into consideration.

In accordance with the first approach the value of the vessel was established roughly at 10.3 mln. roubles, whereas the second approach brought 12 mln. Roubles. The joint weighted average appreciation result is **11,350,000.00 roubles.**

5. Other related costs

To carry out expertise and other procedural actions the Russian investigation authorities spent 240 000 roubles. In accordance with Article 24.7 of the Code on Administrative Offences of the Russian Federation costs of administrative case shall be covered by the Ship-owner.

The total sum (roubles):

2,001,364.05

+ 500,000.00

+ 7,927,500.00

+ 11,350,000.00

+ 240,000.00

22,018,864.05

rounded to

22,000,000

(c) Documents submitted by the Russian Federation on 24 July 2007 (continued):
- Clarification as to the possibility of the confiscation of a fishing vessel in light of the alleged offences

Case No. 14

Clarification as to the possibility of the confiscation of a fishing vessel in light of the alleged offences

The possibility of the confiscation of a fishing vessel is provided for in paragraph 2 of Article 8.17 of the Code of Administrative Offences of the Russian Federation, according to which "violating the rules of catching (fishing) aquatic biological (living) resources and of protection thereof, or of the terms and conditions of a license for water use, or of a permit (license) to catch aquatic biological (living) resources of the internal waters, or of the territorial sea, or of the continental shelf and (or) exclusive economic zone of the Russian Federation shall entail the imposition of an administrative fine ..... on legal entities in the amount of from twofold to threefold the cost of aquatic biological (living) resources which have become the subject of the administrative offence with or without confiscation of the vessel and of other tools of committing the administrative offence".

Criteria of seriousness of violations of the above mentioned rules can be found, for example, in joint directives for combating illegal fisheries in Kamchatka, issued by local Office of the Prosecutor, Coast Guard Directorate, Directorate for Internal Affairs, Directorate for Environment Protection on 15 September 2004. It provides, that in cases when the damage caused as a result of illegal fisheries in the EEZ exceeds 400 minimum wages (i.e. 240 000 roubles in 2004, approximately 440 000 roubles currently) it should be transmitted to the authorities responsible for preliminary investigation which take a decision on filing of a criminal or administrative case before a court.

The following recent cases of the application by Russian courts of paragraph 2 of Article 8.17 show the judicial practice with respect to the illegal catches of comparable value.

On 14 July 2006 the Magadan City Court decided to impose a fine of 1699200 roubles on the company "Skyline United Inc." and to confiscate the

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vessel "Sea Winner" flying the flag of Cambodia. The value of the illegal catch was approximately 850 000 roubles.

On 11 January 2007 the Petropavlovsk-Kamchatskiy City Court imposed a fine of 2 211 660,4 roubles on the Russian company "Okeanresurs-2004" and confiscated the vessel "Garus". The value of illegal catch was 1 105 830,2 roubles.

In case with the "Hoshinmaru" the value of the illegal catch of living marine resources was 667121,35 roubles, and of the processed products thereof – 387596,2 roubles. It should be taken into account that in the Hoshinmaru case we are dealing with the particularly grave violation of the applicable laws and regulations of the coastal state. Fish fixed in the vessel's logbook were substituted by different fish species. The Master transmitted false daily information, vessel reports; intentionally registered and provided false information on actual catch; intentionally fixed false information in the logbook; did not effectively control the fishing quota issues. The Master and the owner did not cooperate with the Russian competent authorities. The above mentioned circumstances normally are taken into account by the courts when considering similar cases.

(c) Documents submitted by the Russian Federation on 24 July 2007 (continued):
- Detention of the crew

Case No. 14

DETENTION OF THE CREW

The Respondent contests the allegation of the Japanese side that the members of the crew of the *"88th Hoshinmaru"* were detained by the Russian authorities. No measures of procedural coercion have been applied to them and the Japanese side did not provide any documents testifying to the contrary.

As on 23 July 2007 the crew is on board of the vessel. No member of the crew is detained. In order to leave the vessel and go ashore the crew has to pass through normal procedures of passport control and customs control. These procedures are carried out upon receipt of a request from the master, the owner of the vessel or the agent. This requirement does not have anything to do with the violation of the fisheries regulations and is applied to all foreign seamen arriving in all Russian ports. No request (oral or written) has been received from the master, the owner of the "Hoshinmaru" or the agent.

Nor did the owner of the vessel or its ship's agent complete formalities required by the Russian competent authorities in accordance with Section 2 of the Annex to the Convention on Facilitation of International Maritime Traffic, adopted on 9 April 1965. *Inter alia,* the port administration was not provided with the General Declaration dated and signed by the master, the ship's agent or some other person duly authorized by the master. Nor did it receive the list of the crew.

The crew of a foreign vessel can enter the territory of the Russian Federation through one of points of control and can leave it either aboard the vessel or using other transport. In previous cases, when Japanese vessels were detained by the Russian authorities crew members left home through the airport of Petropavlovsk-Kamchatskiy.

As for the master of the vessel, on 11 July he was asked to sign a written undertaking not to leave the city of Petropavlovsk-Kamchatskii. However, on 16 July this restriction was withdrawn upon the completion of the necessary requirements of the Russian authorities conducting the investigation.

In other words, nobody from the crew was detained when the application was filed, nor is detained now.

(c) Documents submitted by the Russian Federation on 24 July 2007 (continued):
- Minutes of the 22nd Session of the Russian-Japanese Fisheries Commission (in Russian) (not reproduced, see also (b) above)
- English translation of extracts of the Minutes

Translation from Russian

MINUTES OF THE 22ND SESSION OF THE RUSSIAN-JAPANESE FISHERIES COMMISSION
(extracts)

8. **As far as the point 8 of the agenda is concerned**, the Parties exchanged the information on compliance with the fisheries regulations by the vessels of one Party during fishing operations in the 200-mile zone of another Party in 2005 and discussed related issues.

In this context the Commission heard the report on the outcomes of the Conference of experts for monitoring which was held in September 2005 in Sapporo and was satisfied with the fact that the exchange of opinions during this meeting contributed to the solution of the issue of violations and to their prevention.

The Parties examined specific cases of violations by the Japanese fishing vessels of the fisheries regulations in the 200-mile zone of the Russian Federation.

The Russian Side noted that the number of violations in the 200-mile zone of the Russian Federation committed by Japanese fishing vessels remained at the last-year level.

Based on the 1982 UN Convention on the Law of the Sea and 1984 Agreement in cases of detention by the competent authorities of one Party of the fishing vessels of another Party on the assumption of violation of the fisheries regulations and/or laws of the exclusive economic zone upon posting a respective bond or other guarantee and on the grounds of humanitarian considerations, the Parties will take steps on the soonest release of the detained vessels and their crew members within 10 days from the moment of their detention.

The Russian Side noted the arrears in payment of fine sanctions imposed for violation by the Japanese fishing vessels of fisheries regulations as well as the arrears in payment of remuneration for the observers' services in 1979-1985, 1991-1992 and 1995-2001.

The Japanese Side informed that it had been making efforts to resolve the issues of arrears in payment of fines and observers' remuneration noted by the Russian Federation and emphasized that it would further work to reduce this indebtedness.

In accordance with the provisions of para 8 of the Agenda of the 21st Session of the Commission the Japanese Side submitted to the Russian Side in February 2005 the information on bankruptcies and other circumstances with respect to the companies in debts. The Russian Side highly appreciated the efforts of the Japanese Side and, at the same time, informed that if all the necessary documents were submitted, the vessels would be removed from the list of infringers. Otherwise, the vessels cannot be removed from the list.

The Russian Side noted the necessity to continue working on the issues related to the Russian observers' remuneration debt payment.

The Japanese Side noted that in 2005, there were cases when Russian vessels had been modifying their harvesting plans while conducting operations in 200-mile zone of Japan without proper notification on such changes in their plans.

In this context the Russian Side informed that in the above cases, noted by the Japanese Side at the Conference of experts for monitoring in September 2005, the Head of the *Primorrybvoda* company brought to notice of the concerned Russian fishing operators the requirements to comply meticulously with the fishing regulations.

The Parties believe that the failure to pass through marine checking points established in the zones of the both countries is a grave violation

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and voiced their intention to communicate in full this fact to the concerned companies of the both Parties.

The Parties came to the agreement that the inspection of fishing vessels should not affect, whenever possible, the routine fishing operations.

Both Parties reaffirmed that it was obvious that the right of control over fishing activities should be mutually respected.

(d) Further documents submitted by the Russian Federation on 24 July 2007:

- Letter No. 153607/общ dated 20 August 2003 from the Supreme Court of the Russian Federation (in Russian) (not reproduced)

- English translation

Translation, Original: Russian.

SUPREME COURT OF THE RUSSIAN FEDERATION
LETTER

No.1536-7/общ.
20 August 2003

The Judicial Division for Civil Cases of the Supreme Court of the Russian Federation discussed the issue from the judicial practice concerning the time of enforcement of a decree and/or judgment on administrative offences in case of appeal.

Article 31.1 of the Code of Administrative Offences of the Russian Federation which establishes the procedure for enforcing the said decrees or judgments and Articles 30.1 and 30.9 of the Code of Administrative Offences of the Russian Federation which regulate the procedure for appealing rulings in case of administrative offences and judgments arising from appeals against such rulings imply the following.

The procedure for enforcement of rulings and/or judgments in cases of administrative offences depends on what authority examines the case.

1. When the case is considered by a non-judicial authority (official), the ruling can be appealed in a district court (see subparas 2, 3, para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation); and the judgment of a judge of the district court which is appealed against can be submitted to an upper court, i.e. regional or other appropriate court (paras 1 and 2, Article 30.9 of the Code of Administrative Offences of the Russian Federation).

The submission and consideration of appeals is regulated by para 3, Article 30.9 under the procedure provided for in Article 30.9 as it is specified in Articles 30.2 - 30.8 of the Code of Administrative Offences of the Russian Federation.

The Code of Administrative Offences of the Russian Federation does not provide for the possibilities to appeal the judgment of the judge of regional or other appropriate court following the same procedure. Therefore, such judgment shall enter into force immediately after it is made (see para 3, Article 31.1 of the Code of Administrative Offences of the Russian Federation).

2. When the case is considered by a justice of the peace or a judge of a district court, the ruling can be appealed against only in the upper court under the procedure established by Article 30.2 - 30.8 of the Code of Administrative Offences of the Russian Federation: i.e. in the district or other appropriate regional court (para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation).

Article 30.9 of the Code of Administrative Offences of the Russian Federation does not provide for the possibilities to appeal against judgment of a judge of the upper court,

therefore, such judgment enters into legal force immediately after it is made (see para 3, Article 31.1 of the Code of Administrative Offences of the Russian Federation).

Hereafter, it is possible only to reconsider the enforced rulings and judgments in cases of administrative offences on behalf of persons listed in para 3, Article 30.11 of the Code of Administrative Offences of the Russian Federation and upon notice of opposition from officials of Prosecutor's Office listed in para 2 of the said Article and upon complaints from persons listed in Articles 25.1 - 25.5, para 1, Article 30.1 of the Code of Administrative Offences of the Russian Federation.

I ask you to bring the above said to the judges' notice.

ZHUYKOV V.M.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- Articles 8, 9, 11, 12, 15, 124, 125, 209, 212, 214, 1064, 1068, 1102, 1103, 1105 and 1109 of the Civil Code of the Russian Federation (in Russian) (not reproduced)

- English translation

Translation, Original: Russian.

The Civil Code of the Russian Federation (extracts)

PART I One
SECTION I The General Provisions

Chapter 2. Arising of the Civil Rights and Duties, Exercising and Protection of the Civil Rights

Article 8. The Grounds for the Arising of the Civil Rights and Duties

1. The civil rights and duties shall arise from the grounds, stipulated by the law and by the other legal acts, as well as from the actions of the citizens and of the legal entities, which, though not stipulated by the law or by such acts, still generate, by force of the general principles and of the meaning of the civil legislation, the civil rights and duties. In conformity with this, the civil rights and duties shall arise: 1) from the law-stipulated contracts and other deals, and also from the contracts and other deals, which, though not stipulated by the law, are not in contradiction with it;
2) from the acts of the state bodies and of the local self-government bodies, which are stipulated by the law as the grounds for the arising of the civil rights and duties;
3) from the court ruling, which has established the civil rights and duties;
4) as a result of the acquisition of property on the grounds, admitted by the law;
5) as a result of creating the works of science, literature and art, of making inventions and producing other results of the intellectual activity;
6) as a result of inflicting damage to another person;
7) as a consequence of an unjust enrichment;
8) because of other actions performed by the citizens and the legal entities;
9) as a result of the events, with which the law or the other legal act connects the arising of the civil legislation consequences.
2. The rights to the property, liable to the state registration, shall arise from the moment of the registration of the corresponding rights to it, unless otherwise stipulated by the law.

Article 9. Exercising of the Civil Rights

1. The citizens and the legal entities shall exercise the civil rights they possess at their own discretion.
2. The refusal of the citizens and of the legal entities to exercise the civil rights they possess shall not entail the termination of these rights, with the exception of the law-stipulated cases.

Article 11. Protection of the Civil Rights in the Court

1. The violated or disputed civil rights shall be protected by the court of justice, the arbitration court or the arbitration tribunal (hereinafter referred to as the court), in conformity with the liability of the cases to these bodies' jurisdiction, established by the procedural legislation.
2. Protection of the civil rights in the administrative order shall be effected only in the law-stipulated cases. The decision, adopted administratively, may be appealed against in the court.

Article 12. The Ways of Protecting the Civil Rights

The civil rights shall be protected by way of:
- the recognition of the right;
- the restoration of the situation, which existed before the given right was violated, and the suppression of the actions that violate the right or create the threat of its violation;
- the recognition of the disputed deal as invalid and the implementation of the consequences of its invalidity, and the implementation of the consequences of the invalidity of an insignificant deal;
- the recognition as invalid of an act of the state body or of the local self-government body;
- the self-defense of the right;
- the ruling on the execution of the duty in kind;
- the compensation of the losses;
- the exaction of the forfeit;
- the compensation of the moral damage;
- the termination or the amendment of the legal relationship;
- the non-application by the court of an act of the state body or of the local self-government body, contradicting the law;
- using the other law-stipulated methods.

Article 15. Compensation of the Losses

1. The person, whose right has been violated, shall be entitled to demand

the full recovery of the losses inflicted upon him, unless the recovery of losses in a smaller amount has been stipulated by the law or by the agreement.
2. Under the losses shall be understood the expenses, which the person, whose right has been violated, made or will have to make to restore the violated right, the loss or the damage done to his property (the compensatory damage), and also the undeceived profits, which this person would have derived under the ordinary conditions of the civil turnover, if his right were not violated (the missed profit). If the person, who has violated the right of another person, has derived profits as a result of this, the person, whose right has been violated, shall have the right to claim, alongside with the compensation of his other losses, also the compensation of the missed profit in the amount not less than such profits.

Subsection 2	The Persons
Chapter 5	Participation of the Russian Federation, of the Subjects of the Russian Federation and of the Municipal Entities in the Relationships, Regulated by the Civil Legislation

Chapter 5. Participation of the Russian Federation, of the Subjects of the Russian Federation and of the Municipal Entities in the Relationships, Regulated by the Civil Legislation

Article 124. The Russian Federation, the Subjects of the Russian Federation and the Municipal Entities as the Subjects of Civil Law

1. The Russian Federation, the subjects of the Russian Federation: the Republics, the territories, the regions, the cities of federal importance, the autonomous region, the autonomous areas, and also the urban and rural settlements and the other municipal entities shall come out in the relationships, regulated by the civil legislation, on equal terms with the other participants of these relationships - the citizens and the legal entities.
2. Toward the subjects of civil law, indicated in Item 1 of the present Article, shall be applied the norms, defining the participation of the legal entities in the relationships, regulated by the civil legislation, unless otherwise following from the law or from the specifics of the given subjects.

Article 125. The Order of Participation of the Russian Federation, of the Subjects of the Russian Federation and of the Municipal Entities in the Relationships, Regulated by the Civil Legislation

1. The right to acquire and exercise by their actions the property and the personal rights, and to come out in the court on behalf of the Russian Federation and of the subjects of the Russian Federation shall be vested in the state power bodies within the scope of their jurisdiction, established by the acts, defining the status of these bodies.
2. The right to acquire and exercise by their actions the rights and duties, indicated in Item 1 of the present Article, on behalf of the municipal entities shall be vested in the local self-government bodies within the scope of their jurisdiction, established by the acts, defining the status of these bodies.
3. In the cases and in conformity with the procedure, stipulated by the federal laws, by the decrees of the President of the Russian Federation and the decisions of the Government of the Russian Federation, by the normative acts of the subjects of the Russian Federation and of the municipal entities, the state bodies, the local self-government bodies, and also the legal entities and the citizens may come out on their behalf upon their special order.

Chapter 13. The General Provisions

Article 209. The Content of the Right of Ownership

1. The owner shall be entitled to the rights of the possession, the use and the disposal of his property.
2. The owner shall have the right at his own discretion to perform with respect to the property in his ownership any actions, not contradicting the law and the other legal acts, and not violating the rights and the law-protected interests of the other persons, including the alienation of his property into the ownership of the other persons, the transfer to them, while himself remaining the owner of the property, of the rights of its possession, use and disposal, the putting of his property in pledge and its burdening in other ways, as well as the disposal thereof in a different manner.
3. The possession, the use and the disposal of the land and of the other natural resources so far as their circulation is admitted by the law (Article 129), shall be freely effected by their owner, unless this inflicts damage to the natural environment or violates the rights and the legal interests of the other persons.
4. The owner may pass his property over into the confidential management, or into the trusteeship (to a confidential manager, or to the trustee). The transfer of the property into the confidential management shall not entail the transfer of the rights of ownership to the confidential manager, who shall be obliged to perform the management of the property in the interest of the owner or of the third person the owner has named.

Article 212. The Subjects of the Right of Ownership

1. In the Russian Federation shall be recognized the private, the state, the municipal and the other forms of ownership.
2. The property may be in the ownership of the citizens and of the legal entities, and also of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities.
3. The specifics of the acquisition and of the cessation of the right of ownership to the property, of the possession, the use and the disposal thereof may be established only by the law, depending on whether the given property is in the ownership of the citizen or of the legal entity, in the ownership of the Russian Federation, of the subject of the Russian Federation or of the municipal entity. The law shall stipulate the kinds of the property, which may be only in the state or in the municipal ownership.
4. The rights of all the owners shall be equally protected.

Article 214. The Right of the State Ownership

1. The state property in the Russian Federation shall be the property, owned by the right of ownership by the Russian Federation (the federal, or the federally owned property), and also the property, owned by the right of ownership by the subjects of the Russian Federation - by the Republics, the territories, the regions, the cities of federal importance, by the autonomous region and by the autonomous areas (the property of the subject of the Russian Federation).
2. The land and the other natural resources, which are not in the ownership of the citizens, the legal entities or the municipal entities, shall be the state property.
3. On behalf of the Russian Federation and of the subjects of the Russian Federation, the rights of the owner shall be exercised by the bodies and by the persons, indicated in Article 125 of the present Code.
4. The property, which is in the state ownership, shall be assigned to the state-run enterprises and institutions into the possession, the use and the disposal in conformity with the present Code (Articles 294 and 296). The means of the corresponding budget and the other state property, not assigned to the state enterprises and institutions, shall comprise the state treasury of the Russian Federation, the treasury of the Republic within the Russian Federation, of the territory, the region, the city of federal importance, of the autonomous region and of the autonomous area.
5. Referring the state property to the federal property and to the property of the subjects of the Russian Federation shall be effected in conformity

with the procedure, laid down by the law.

PART II **Two**
SECTION IV Particular Kinds of Obligations

Chapter 59. Liabilities for Damage

Article 1064. General Grounds for Liability for Damage

1. The injury inflicted on the personality or property of an individual, and also the damage done to the property of a legal entity shall be subject to full compensation by the person who inflicted the damage. The obligation to redress the injury may be imposed by the law on the person who is not the inflictor of injury.
The law or the contract may institute the obligation of the inflictor of injury to repay to the victims compensation over and above the compensation of damage.
2. A person who has caused harm shall be released from the redress of injury, if he proves that injury was caused no through his fault. The law may also provide for the redress of injury in the absence of the fault of the inflictor of injury.
3. Injury inflicted by lawful actions shall be subject to redress in cases, provided for by the law. Redress of injury may be rejected, if injury has been caused at the request or with the consent of the insured person and unless the actions of the inflictor of injury violate the moral principles of the society.

Article 1068. The Liability of a Legal Entity or an Individual for Injury Inflicted by the Employee

1. A legal entity or an individual shall redress the injury inflicted by the employee during the performance of labour (official) duties. In terms of the rules, provided for by this Chapter, individuals performing their work on the basis of a labour contract, and also individuals performing their work under a civil-law contract shall be recognized as employees, if in this case they acted or should have acted on the assignment of the relevant legal entity or individual and under their control over the safe conduct of works.
2. Economic partnerships and procedure cooperatives shall refresh the injury inflicted by their participants (members) during the performance by them of the business, production or any other activity of the partnership or cooperative.

Chapter 60. Obligations Due to Unjust Enrichment

Article 1102. The Obligation to Return Unjust Enrichment

1. A person who has acquired or saved property (purchaser) without the grounds, established by the law, other legal acts or the transaction, at the expense of another person (victim) shall be obliged to return to the latter the property acquired or saved unjustly (unjust enrichment), except for the cases, provided for by Article 1109 of this Code.
2. The rules, provided for by this Chapter, shall be applicable regardless of the fact whether unjust enrichment resulted from the behavior of the purchaser of property, the victim himself, third persons or took place regardless of their will.

Article 1103. The Correlation of Claims for the Return of Unjust Enrichment With Other Claims for the Protection of Civil Rights

Inasmuch as the contrary is not established by this Code, other laws or other legal acts and does not follow from the essence of corresponding relations, the rules, envisaged by this Chapter, shall be applied to the following claims:
1) for the return of the executed in an invalid transaction;
2) for the reclamation of property by its owner from the illegal possession of other people;
3) of one party in the obligation to the other party for the return of the executed in connection with this circumstance;
4) for the redress of injury, including that inflicted by the dishonest behavior of the enriched person.

Article 1105. Compensation for the Value of Unjust Enrichment

1. If it is impossible to return the groundlessly acquired or saved property in kind, the purchaser shall compensate to the victim for the actual value of this property at the time of its acquisition, and also for the losses, caused by the subsequent change in the value of property, if the purchaser has not reimbursed its value at once after he has known about unjust enrichment.
2. A person who groundlessly used the property of other people for the time being without his intention to acquire it or used the services of other people shall recompense to the victim all that he has saved owing to such use at the price existing at the time when this use ended and in the place where the use took place.

Article 1109. Unjust Enrichment Not Subject to Return

The following property shall not be subject to return as unjust enrichment:
1) property transferred for the execution of the obligation before the onset of the time for execution, unless the obligation provides for otherwise;
2) property transferred for the execution of the obligation upon the expiry of the period of limitation;
3) wages and salaries and payment equated therewith, pensions, benefits, scholarships, the redress of injury inflicted on human life or health, alimony and other pecuniary sums given to an individual as means of subsistence in the absence of dishonesty on his part and of calculation error;
4) pecuniary sums and other property given for the execution of a non-existent obligation, if the purchaser proves that the person who demands the return of property knew about the absence of the obligation or granted property for charity purposes.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- Extracts of Decree No. 696 of 3 July 1998 of the Government of the Russian Federation: On Organization of Record-Keeping of Federal Property and Keeping Register of Federal Property, together with extracts of the Regulations on Record-Keeping of Federal Property and Keeping Register of Federal Property (in Russian) (not reproduced)

- English translation

Translation, Original: Russian.

THE GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE
3 July 1998, № 696

ON ORGANIZATION OF RECORD-KEEPING OF FEDERAL PROPERTY AND KEEPING REGISTER OF FEDERAL PROPERTY

(Extract)

With the objective of organizing the record-keeping of federal property in line with the legislation of the Russian Federation, as well as improving the mechanisms for the management and administration of the property the Government of the Russian Federation enacts:

1. To approve the attached Regulation on the Record-keeping of Federal Property and Keeping Register of Federal Property (further on mentioned as the Regulations);

2. To charge the Ministry of State-owned Property of the Russian Federation[1] with the task of organizing the record-keeping of federal property and keeping register of federal property (here and after referred to as the Register).

Approved
by the Decree of the Government of the Russian Federation

REGULATIONS
ON RECORD-KEEPING OF FEDERAL PROPERTY AND KEEPING REGISTER OF FEDERAL PROPERTY

(Extract)

I. General provisions

1. These Regulations shall establish procedure for record-keeping of the federal property and keeping Register of the federal property (here and after referred to as the Register) in accordance with the legislation of the Russian Federation which regulated the relations which appear during management and administration of federal property and creation of information systems.

2. The Register in these Regulations shall be understood to mean a federal information system which shall be a combination of data bases built on single

[1] In accordance with the Decree of the President of the Russian Federation of 9 March, 2004 № 314 "On the System and Structure of the Federal Bodies of the Executive Branch of Authority" (para 13) and the Decree of the Government of the Russian Federation of 8 April, 2004 № 200 "Issues of the Federal Agency for the Management of the Federal Property" at present the functions for keeping the record of the federal property, including the keeping of its Register, are executed by the said Federal Agency (para 5.4).

methodological and software and hardware principles and containing lists of items of the record-keeping and their data which are the subject of the recording in the State Register.

3. The subjects for the recording in the Register (here and after referred to as subjects for the recording), situated on the territory of the Russian Federation, as well as abroad, shall be:

... в) federal property secured with the right of an economic management to a State-owned unitary enterprise, or with the right of an actual management to a federal government-owned enterprise or a State-owned enterprise, or a State-owned enterprise as a whole as a property complex;

....

д) other real-estate and movable property, including the one transferred with the objective of use, lease, mortgage and other purposes.

4. Data characterizing these objects (locations, cost, encumbrance, etc.) shall be the data for the record-keeping.

II. Procedure for the record-keeping of federal property

5. The record-keeping of federal property shall include a description of the object of the record-keeping with an indication of its individual specific features which shall definitively allow to distinguish it from other objects.

...

7. To record a federal property kept in possession of legal entities registered on the territory of the Russian Federation, the legal entity (the Applicant) shall deliver to a respective territorial body of the Ministry of the State-owned Property of the Russian Federation, or a body for the management of the State-owned property in the constituent entity of the Russian Federation empowered with the rights of a territorial body of the Ministry of the State-owned Property of the Russian Federation (here and after referred to as the Territorial body):

а) the Application signed by the head of the legal entity for acquiring of a Certificate (here and after referred to as the Certificate) to enter the object of the record-keeping into the Register of Federal Property in accordance with the form provided for in Annex № 1;

б) Property Recording Card (here and after referred to as the Recording Card) of the federal property in possession of the legal entity with a list of objects of real-estate filled in accordance with Annex № 2;

в) copies of documents supporting the data on the object of the record entered into the Recording Card.

8. The territorial body shall register the Application on the day it was delivered and within a month shall execute an expert verification of the data and their entry into the database.

9. In case the territorial body has doubts as to the consistency of the data provided it has to notify immediately the Applicant accordingly who shall have the right within

one month to provide additional information; the time-limit for the recording shall be extended but not more than for a month after the day the additional information was delivered.

10. The territorial body shall adopt the decision to refuse to issue the certificate in case, if:

а) it is revealed that the object of the recording is not a federal property:

б) after the recording was suspended the Applicant has not provided the additional information within the established time-limit;

в) the provided papers do not correspond to the requirements of the Russian Federation.

11. In case the decision to refuse to issue the Certificate is adopted, the Applicant shall be served a refusal notification (explaining the grounds for the refusal) within five days after the decision was adopted, and a copy of this notification together with the copies of the papers provided by the Applicant shall be sent to the Ministry of the State-owned Property of the Russian Federation.

The Applicant shall have the right to appeal the refusal in accordance with the procedure established by the legislation, including by addressing it to the Ministry of the State-owned Property of the Russian Federation.

12.The object of the recording, which passed the procedure of the recording, shall be given the Register Number, and the Certificate shall be sent to the Applicant within five days after the number was given.

In case the issuance of the Certificate is refused on the grounds specified in subparagraphs 10(б) and 10(в) of these Regulations, the object of the recording shall be given a Temporary Register Number.

13. Federal property not entered into the Register can not be alienated or encumbered.

...

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- Regulation No. 311 of 29 May 2003 of the Government of the Russian Federation: On the Order of Registration, Assessment and Disposition of the Property appropriated by the State (in Russian) (not reproduced)

- English translation of Chapters 27, 30 and 31 of the Code of Administrative Offences of the Russian Federation (No. 195-FZ of 30 December 2001)

Code of Administrative Offences of the Russian Federation

NO. 195-FZ OF DECEMBER 30, 2001

Chapter 27. Taking Measures to Secure Proceedings on Cases Concerning Administrative Offenses

Article 27.1. Measures to Ensure Proceedings on a Case Concerning an Administrative Offence

1. For the purpose of terminating an administrative offence, identifying an offender, drawing up a record of an administrative offence where it is impossible to do it at the place of detection of the administrative offence, securing timely and correct consideration of a case concerning an administrative offence and carrying out the decision rendered, an authorized person shall be entitled within the scope of his authority to take the following measures to ensure proceedings in a case concerning an administrative offence:
1) delivery;
2) administrative detention;
3) personal examination, examination of things, inspection of the transport vehicle a natural person has with him; inspection of premises, territories, as well as of things and documents situated therein, which are in possession of a legal entity;
4) seizure of things and documents;
5) banning from driving a transport vehicle of appropriate type;
6) medical examination in respect of alcoholic intoxication;
7) detention of a transport vehicle, prohibition on operating it;
8) arrest of goods, transport vehicles and other things;
9) forcible arrest.
2. Damage caused by unlawful measures of ensuring proceedings in a case concerning an administrative offence shall be subject to indemnification in the procedure provided for by the civil legislation.

Article 27.2. Delivery

1. Delivery, that is, coercive forwarding of a natural person for the purpose of drawing up a record of an administrative offence, where it is impossible to draw it up at the place of detecting the administrative offence and where it is obligatory, shall be effected by the following persons:
1) by officials of internal affairs bodies (the police), when detecting administrative offenses cases on which shall be tried under Article 23.3 of this Code by internal affairs bodies (the police), or when detecting administrative offenses, for which cases internal affairs bodies (police) shall draw up records of administrative offenses under Item 1 of Part 2 of Article 28.3 of this Code, as well as when detecting any administrative offenses in the event of an approach to them by the officials authorized to draw up records of appropriate administrative offenses - to the official premises of an internal affairs body (the police) or to the premises of a local self-government body of a rural settlement;
2) by military servicemen of the internal affairs troops of the Ministry of Internal Affairs of the Russian Federation, by officials of departmental security guard agencies and extra-departmental security guard agencies attached to internal affairs bodies, when detecting administrative offenses connecting with causing damage to the object or articles under their guard or with an attack on such object or articles, as well as with penetration of the area under their guard - to the official premises of an internal affairs body (the police), to the official premises of a security guard agency or to the official premises of a subdivision of a military unit or of a control body of troops of the Ministry of Internal Affairs of the Russian Federation;
3) by military servicemen of the troops of the Ministry of Internal Affairs of the Russian Federation, when detecting the administrative offenses provided for by Article 19. 3, by Articles from 20.1 to 20.3, by Articles 20.5. 20.8. 20.13, by Articles from 20.17 to 20.22 of this Code - to the official premises of an internal affairs body (the police) or to the premises of a local self-government body of a rural settlement;
4) by officials of the bodies which are entrusted with supervision or control over observance of the rules of using transport, when detecting administrative offenses on transport - to the official premises of an internal affairs body (the police) or to any other official premises;
5) by officials of the military motor transport inspectorate, when detecting violations of the Traffic Regulations by the driver of a transport vehicle of the Armed Forces of the Russian Federation - to the premises of a commandant's office or of a military unit;
6) by officials who are entrusted with supervision or control over observance of the law on environmental protection, on protection of registered forestry and forests which are not included therein, of animal and fish resources , as well as over observance of fishing and hunting rules, when detecting administrative offenses in the appropriate areas - to the official premises of an internal affairs body, or to the premises of a local self-government body of a rural settlement, or to any other official premises;
7) by military servicemen of border guard agencies and frontier troops, by military servicemen of other troops (forces), by officials of internal affairs bodies (the police), as well as by other persons in discharge of their duties in respect of safeguarding the State Borders of the Russian Federation, when detecting administrative offenses related to protection and safeguarding of the State Borders of the Russian Federation - to the official premises of a subdivision of a military unit or of a control agency of border guard agencies and frontier troops, or of other troops (forces), to the official premises of an internal affairs body (the police) or to the premises of a local self-government body of a rural settlement;
8) by military servicemen of border guard agencies and frontier troops, when detecting administrative offenses in inland sea waters, in the territorial sea, on the continental shelf or in the economic exclusion area of the Russian Federation - to the official premises of a subdivision of a military unit or of a control agency border guard agencies and frontier troops, of other troops (forces); to the official premises of internal affairs bodies (the police) situated at a port on the territory of the Russian Federation. Vessels and instruments used in committing an administrative offence, used for exercising unlawful activities in the inland sea waters, in the territorial sea, on the continental shelf or in the economic exclusion area of the Russian Federation, whose ownership cannot be established by inspection, shall be subject to delivery to a port of the Russian Federation (foreign vessels shall be subject to delivery to one of the ports of the Russian Federation open to foreign vessels);
9) Abolished
10) by officials of customs agencies, when detecting violations of customs rules - to the official premises of a customs agency;
11) by military servicemen and personnel of criminal punishment bodies, when detecting administrative offenses provided for by Articles 19.3 and 19.12 of this Code - to the official premises of a criminal punishment body or an internal affairs body (the police);
12) by officials of the bodies for control over the traffic of narcotics and psychotropic substances, when detecting the administrative offences , which cases under Article 23.63 of this Code shall be tried by these bodies, or the administrative offences, with regard to which said bodies in compliance with Item 83 of Part 2 of Article 28.3 of this Code shall draw up a record of administrative offence - to the official premises of a body for control over the traffic of narcotics and psychotropic substances or of an internal affairs body (the police).
2. Delivery shall be made within the shortest term possible.
3. As regards a delivery, a record shall be drawn up, or an appropriate entry shall be made to a record of an administrative offence or record of an administrative detention. The copy of the report of transportation shall be handed in to the transported person at his request.

Article 27.3. Administrative Detention

1. Administrative detention, that is, a short-term restraint on the freedom of a natural person, may be enforced in exceptional instances where it is necessary for securing correct and timely consideration of a case concerning an administrative offence and for carrying out a decision in a case concerning an administrative offence.
The following persons shall be entitled to effect an administrative detention:
1) officials of internal affairs bodies (the police) - when detecting administrative offenses for which cases shall be tried under Article 23.3 of this Code by internal affairs bodies, or when detecting administrative offenses for which cases internal affairs bodies (the police) under Item 1 of Part 2 of Article 28.3 of this Code, shall draw up records of administrative offenses, as well as when detecting any other administrative offenses in the event of an approach to them of officials authorized to draw up records of appropriate administrative offenses;
2) a senior official of a departmental security guard agency or extra-departmental security guard agency attached to internal affairs bodies at the location of an object under guard; military servicemen of internal affairs troops of the Ministry of Internal Affairs of the Russian Federation - when detecting administrative offenses connected with causing damage to an object or articles under guard or connected with an attack on such an object or articles, as well as those connected with penetration of an area under their guard;
3) officials of the military motor transport inspectorate - when detecting violations of the Traffic Regulations by the driver of a transport vehicle belonging to the Armed Forces of the Russian Federation;
4) military servicemen of border guard agencies and frontier troops, officials of internal affairs bodies (the police) - when detecting administrative offenses in protection and safeguarding of the State Borders of the Russian Federation, as well as when detecting administrative offenses in the inland sea waters, in the territorial sea, on the continental shelf or in the economic exclusion area of the Russian Federation;
5) Abolished
6) officials of customs agencies - when detecting violations of customs rules;
7) military servicemen and officials of criminal execution bodies when detecting the administrative offenses provided for by Articles 19.3 and 19.12 of this Code;
8) officials of the bodies for control over the traffic of narcotics and psychotropic substances - when detecting the administrative offences whose cases under Article 23.63 of this Code shall be tried by these bodies, or the administrative offences in respect of which said bodies in compliance with Item 83 of Part 2 of Article 28.3 of this Code shall draw up a record of an administrative offence.
2. A list of persons, authorized to effect an administrative detention under Part 1 of this Article, shall be established by an appropriate federal executive body.
3. At the request of a detained person his relatives, the administration at the place of his employment (training), as well as his defense counsel shall be notified about his location within the shortest term possible.

4. Relatives or other legal representatives of a minor shall be notified without fail about his administrative detention.
5. The rights and duties of a detainee shall be explained to him, and an appropriate entry shall be made in a record of the administrative detention about it.

Article 27.4. The Record of an Administrative Detention

1. A record shall be drawn up of an administrative detention, specifying the date and place of drawing it up, the office, family name and initials of the person who has drawn up the record, as well as information about the detainee, about the time, place of the detention and the reasons for it.
2. The record of an administrative detention shall be signed by the official, who has drawn it up, and by the detainee. If the detainee refuses to sign the record of the administrative offence, an appropriate entry shall be made in it. The copy of the report of an administrative detention shall be handed in to the detained person at his request.

Article 27.5. Term of an Administrative Detention

1. The term of an administrative detention shall not exceed three hours, except for the instances provided for by Parts 2 and 3 of this Article.
2. Any person who is on trial in connection with a case concerning an administrative offence which encroaches upon the established regime of the State Borders of the Russian Federation and the procedure for staying on the territory of the Russian Federation, or concerning an administrative offence committed in the inland sea waters, in the territorial sea, on the continental shelf and in the economic exclusion area of the Russian Federation, or concerning violations of customs rules, may be subjected to an administrative detention for a term of 48 hours at most, when it is necessary for his identification or for clarification of the circumstances of the administrative offence.
3. Any person, who is on trial in connection with an administrative offence entailing an administrative arrest as an administrative penalty, may be subjected to an administrative detention for a term of 48 hours at most.
4. The term of an administrative detention of a person shall be calculated as of the moment of delivery thereof in compliance with Article 27.2. of this Code, and of a person who is a state of alcoholic intoxication, as of the time of his sobering up.

Article 27.6. Place of, and Procedure for, Holding Detainees in Custody

1. Detainees shall be held at specially assigned premises of the bodies indicated in Article 27.3 of this Code, or at special institutions set up in the established procedure by executive bodies of the subjects of the Russian Federation. Said premises should meet the sanitary requirements and exclude the possibility of unauthorized exit therefrom.
2. The conditions for holding detainees in custody, nourishment norms and the procedure for medical treatment of such persons shall be determined by the Government of the Russian Federation.
3. Minors, subjected to administrative detention, shall be held separately from adults.

Article 27.7. Personal Examination of a Natural Person and Examination of Personal Effects

1. A personal examination, an examination of personal effects a natural person has with him, that is, an examination of items without destroying their structural integrity, shall be carried out, where it is necessary, for the purpose of detecting instruments or subjects of an administrative offence.
2. A personal examination of a natural person and an examination of personal effects shall be carried out by the persons indicated in Articles 27.2 and 27.3 of this Code.
3. A personal examination shall be carried out by a person of the same sex as that of the person being examined in the presence of two attesting witnesses of the same sex.
An examination of the personal effects which a natural person has with him (hand luggage, baggage, hunting and fishing instruments, gained products and other articles) shall be carried out by the officials authorized to do so in the presence of two attesting witnesses.
4. In exceptional instances, where there is sufficient reason to believe that a natural persons has weapons or other items used as arms, a personal examination of the natural person and examination of personal effects may be carried out without attesting witnesses.
5. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
6. As regards a personal examination and an examination of pesonal effects, a record thereof shall be made or an appropriate entry shall be made in a record of a delivery or record of an administrative detention. A record of a personal examination and of an examination of personal effects, shall indicate the date and place of it was drawn up, the office, family name and initials of the person who drew it up, information about the natural person, subjected to the personal examination, about the type, number and other identification marks of the items, including type, trademark, model, calibre, series, number and other identification marks of weapons, about type and number of ammunition, about type and requisite elements of the documents found during the examination,

which the natural person has with him.
7. An entry shall be made in a record of a personal examination of a natural person and of an examination of personal effects about the use of photography, filming, videotape recording and of other established ways of fixing material evidence. Materials, obtained as a result of a personal examination of a natural person and an examination of personal effects by way of using photography, filming, videotape recording and other methods of fixing material evidence, shall be attached to an appropriate record.
8. The record of a personal examination of a natural person and of an examination of personal effects shall be signed by the official who has drawn it up, by the person who is on trial in connection with the administrative offence, or by the owner of things subjected to the examination, and by attesting witnesses. If a person, who is on trial in connection with an administrative offence, or the owner of things subjected to an examination, refuse to sign such record, an appropriate entry shall be made thereto. The copy of the report of personal examination, examination of the belongings about the natural person shall be handed in to the owner of the belongings subjected to examination at his request.

Article 27.8. Inspection of Premises and Territories, as Well as of Things and Documents Situated Therein, Which Are Owned by a Legal Entity or by an Individual Businessman

1. The inspection of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman and used by them for business purposes, shall be carried out by the officials authorized to draw up records of administrative offenses under Article 28.3 of this Code.
2. An inspection of premises and territories, as well as of things and documents situated therein, shall be carried out in the presence of a representative of the legal entity, of the individual businessman or of his representative, and of two attesting witnesses.
3. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
4. As regards an examination of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, a record thereof shall be drawn up indicating the date and place of it was drawn up, the office, family name and initials of the person who drew up the record, information about the appropriate legal entity, as well as about the legal representative or of any other representative thereof, about an individual businessman or his representative, about inspected territories and premises, about the type, number and other identification marks of things, about the forms and requisite elements of the documents.
5. An entry shall be made in a record of an inspection of premises and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, about using photography, filming, videotape recording or other established ways of fixing material evidence. Materials, obtained during an inspection with the use of photography, filming, videotape recording or other ways of fixing material evidence, shall be attached to an appropriate record.
6. A record of an inspection of premise and territories, as well as of things and documents situated therein, which are owned by a legal entity or an individual businessman, shall be signed by the official who drew it up, by a lawful representative of the legal entity and by an individual businessman, or in pressing situations by any other representative of the legal entity or by a representative of the individual businessman, as well as by attesting witnesses. If a lawful representative of a legal entity or any other representative thereof, an individual businessman or his representative refuse to sign such record, an appropriate entry shall be made therein. The copy of the report of the inspection of the quarters, territories and of the belongings and documents owned by the legal entity or by the businessmen, shall be handed in to the lawful representative of the legal entity or to his another representative, to the business man or to his representative.

Article 27.9. Inspection of a Transport Vehicle

1. An inspection of any type of a transport vehicle, that is, an examination of a transport vehicle without destroing the structural integrity thereof, shall be carried out for the purpose of detecting instruments used in committing, or subjects of, an administrative offence.
2. An inspection of a transport vehicle shall be carried out by the persons indicated in Articles 27.2 and 27.3 of this Article in the presence of two attesting witnesses.
3. An inspection of a transport vehicle shall be carried out in the presence of the person who is the owner thereof. In pressing situations an inspection of a transport vehicle may be carried out in the absence of said person.
4. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.
5. As regards an inspection of a transport vehicle, a record thereof shall be drawn up or an appropriate entry shall be made in a record of an administrative detention.
6. A record of an inspection of a transport vehicle shall indicate the date and place of drawing up the record thereof, the office, family name and initials of the person who drew it up, information about the person who owns the inspected transport vehicle, about the type, trademark, model, state registration plates and about other identification marks of the transport vehicle, about the type, number and other identification signs of things, including type, trademark, model, calibre, series, number and other identification marks of weapons, type and number of ammunition, about type and requisite elements of the documents detected during the inspection of the transport vehicle.

7. An entry about the use of photography, filming, videotape recording and other established ways of fixing material evidence shall be made in a record of inspection of a transport vehicle. Materials, gained as a result of making an inspection with the use of photography, filming, videotape recording and other established ways of fixing material evidence, shall be attached to an appropriate record.
8. A record of an inspection of a transport vehicle shall be signed by the official who conducted it, by the person, who is on trial in connection with a case concerning an administrative offence, and (or) by the person who is the owner of the transport vehicle being inspected, as well as by attesting witnesses. If the person, who is on trial in connection with a case concerning an administrative offence, and (or) the person who is the owner of the transport vehicle being inspected, refuse to sign the record thereof, an appropriate entry shall be made therein. The copy of the report of inspection of the motor vehicle shall be handed in to the person who possesses the motor vehicle which has been inspected.

Article 27.10. Seizure of Things and Documents

1. A seizure of things, which are instruments used in committing, or subjects of, an administrative offence, and of documents accepted as evidence in respect of a case concerning the administrative offence and detected on the scene of the administrative offence or during the conduct of a personal examination of a natural person, or their personal effects, or of a transport vehicle, shall be effected by the persons indicated in Articles 27.2, 27.3 and 28.3 of this Code in the presence of two attesting witnesses.
2. A seizure of things which are instruments used in committing, or subjects of, an administrative offence and of documents accepted as evidence in respect to the administrative case and detected during an inspection of the territories and premises owned by a legal entity and of goods, transport vehicles and other property it has, as well as a seizure of appropriate documents, shall be effected by the persons indicated in Article 28.3 of this Code in the presence of two attesting witnesses.
3. When committing an administrative offence which entails the deprivation of the right to drive a transport vehicle of appropriate type, a driver's license, a tractor driver-operator's license (a tractor driver's license), a navigator's license and a pilot's license shall be withdrawn from the driver, navigator or pilot, pending the issue of a decision in respect of the case concerning the administrative offence, and an interim permit to drive a transport vehicle of appropriate type shall be granted thereto, pending the entry into legal force of the decision in respect of the case concerning the administrative offence.
4. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used, when effecting a seizure of things and documents.
5. As regards a seizure of things or documents , a record thereof shall be drawn up or an appropriate entry shall be made to a record of a delivery or in a record of an administrative detention. As regards withdrawal of a driver's license, of a tractor driver-operator's license (a tractor driver's license), of a navigator's license and of a pilot's license, an entry about it shall be made in a record of the administrative offence.
6. A record of a seizure of articles and documents shall contain information about the type and requisite elements of seized documents, about the type, number and other identification marks of confiscated articles, including the type, trademark, model, caliber, series, number and other identification marks of weapons, about the type and quantity of ammunition.
7. An entry about the use of photography, filming, videotape recording and other established ways of fixing documents shall be made in a record of a seizure of articles and documents. Materials, gained during a seizure of articles and documents with the use of photography, filming, videotape recording and other established ways of fixing material evidence, shall be attached to an appropriate record.
8. A record of seizure of articles and documents shall be signed by the official who drew it up, by the person whose articles and documents have been confiscated, as well as by attesting witnesses. If a person, whose articles and documents have been confiscated, refuses to sign the record thereof, an appropriate entry shall be made therein. A copy of the record shall be served to the person whose articles and documents have been confiscated, or to his legal representative.
9. Where necessary, confiscated articles and documents shall be packed and sealed at the place of seizure. Confiscated articles and documents, pending the consideration of the case concerning an administrative offence, shall be kept at the places determined by the person, who has effected the seizure of the articles and documents, in the procedure established by an appropriate federal executive body.
10. Confiscated firearms and cartridges thereto, other weapons, as well as ammunition, shall be kept in a procedure determined by a federal executive body having authority in internal affairs.
11. Confiscated perishables shall be delivered in the procedure established by the Government of the Russian Federation to appropriate organisations for sale, and where the sale thereof is impossible, they shall be destroyed.
12. Confiscated drugs and psychotropic substances, as well as ethyl alcohol, alcohol and alcohol-containing products, which do not meet the obligatory requirements of standards, sanitary regulations and hygienic normative standards, shall be subject to processing or destruction in the procedure established by the Government of the Russian Federation. Samples of drugs, psychotropic substances, ethyl alcohol, of alcohol and alcohol-containing products shall be kept, pending the entry into legal force of a decision in the case concerning the administrative offence.

Article 27.11. Assessed Value of Confiscated Articles and of Other Valuables

1. Confiscated articles shall be subject to assessment where:
a rule of responsibility for an administrative offence provides for the imposition of an administrative penalty in the form of an administrative fine calculated as an amount divisible by the cost of confiscated articles;
confiscated articles are perishables and are sent for sale or destruction;
ethyl alcohol, alcohol and alcohol-containing products withdrawn from circulation under the laws of the Russian Federation are sent for processing or destruction.
2. The value of confiscated articles shall be determined on the basis of state administered prices, where such are established. In all other instances the value of confiscated articles shall be determined on the basis of their market value. Where necessary, the value of confiscated articles shall be determined on the basis of an expert report.
3. Conversion of foreign currency, confiscated as a subject of an administrative offence, into the currency of the Russian Federation shall be carried out at the rate of the Central Bank of the Russian Federation effective on the date of committing the administrative offence.

Article 27.12. Banning from Driving a Transport Vehicle and a Medical Examination in Respect of Alcoholic Intoxication

1. A person who drives a transport vehicle of appropriate type and gives sufficient grounds to consider him intoxicated by alcohol, as well as persons who have committed the administrative offenses provided for by Part 1 of Article 12.3, by Part 2 of Article 12.5, by Parts 1 and 2 of Article 12.7 of this Code, shall be subject to be banned from driving the transport vehicle, pending the elimination of the reason for the dismissal. A person who drives a transport vehicle of appropriate type and gives sufficient grounds to consider him intoxicated by alcohol, shall be subject to a medical examination in respect of alcoholic intoxication.
2. Banning from driving a transport vehicle of appropriate type and ordering a medical examination in respect of alcoholic intoxication shall be effected by the officials who are empowered to exercise state control and supervision over traffic safety and operation of the transport vehicle of appropriate type.
3. In the cases of a ban from driving a transport vehicle and ordering a medical examination in respect of alcoholic intoxication, an appropriate record shall be drawn up a copy of which shall be served to the person against whom this measure of proceeding in the case, concerning the administrative offence, has been taken.
4. A record of being banned from driving a transport vehicle of appropriate type, as well as a record of ordering a medical examination in respect of alcoholic intoxication, shall contain the date, time, place and grounds for the ban from driving the transport vehicle and for ordering a medical examination, the office, family name and initials of the person who drew up the record, information about the transport vehicle and about the person against whom this measure of proceeding in the case concerning the administrative offence has been taken.
5. A record of being banned from driving a transport vehicle, as well as a record of ordering a medical examination in respect of alcoholic intoxication, shall be signed by the official who drew it up and by the person against whom this measure of proceeding in the case concerning the administrative offence has been taken. If a person, against whom this measure of proceeding in a case concerning an administrative offence has been taken, refuses to sign an appropriate record, a relevant entry shall be made therein.
6. A medical examination in respect of alcoholic intoxication and formalization of the results thereof shall carried out in the procedure established by the Government of the Russian Federation.
7. An act of a medical examination in respect of alcoholic intoxication shall be attached to an appropriate record.

Article 27.13. Detention of a Transport Vehicle and Prohibition on Operating It

1.When violating the rules for operating a transport vehicle and of driving a transport vehicle of appropriate type provided for by Article 11.9, by Part 1 of Article 12.3, by Part 2 of Article 12.5, by Parts 1 and 2 of Article 12.7, by Part 1 of Article 12.8, by Part 4 of Article 12.19 and by Article 12.26 of this Code, the transport vehicle shall be detained, pending the elimination of reasons for detention thereof.
2. When violating the rules for operating a transport vehicle and driving a transport vehicle provided for by Articles 9.3, 12.1 (safe for driving a transport vehicle which is not registered in the established procedure) and by Part 2 of Article 12.5 of this Code, the operation of the transport vehicle shall be prohibited; and the state registration plates thereof shall be subject to removal, pending the elimination of reasons for prohibiting the operation of the transport vehicle.
3. Detention of a transport vehicle of appropriate type and prohibition on operating it shall be carried out by the officials authorized to draw up records of relevant administrative offenses.
4. A relevant entry shall be made in a record of the administrative offence or a separate record shall be drawn up regarding a detention of a transport vehicle of appropriate type and prohibition on operating it. A copy of a record of detaining a transport vehicle of appropriate type and on prohibiting operation thereof shall be served to the person against whom this measure of proceeding in the case concerning the administrative offence has been taken. A record of detaining a transport vehicle impeding the traffic of other transport means, in the absence of the driver thereof, shall be drawn up in the presence of two attesting witnesses.
5. Detention of a transport vehicle of appropriate type, placement thereof in a car park, storage of, as well as prohibition on operating, a transport vehicle shall be carried out in the procedure established by the Government of the Russian Federation.

Article 27.14. Arrest of Goods, Transport Vehicles and Other Items

1. An arrest of goods, transport vehicles and other items, which are instruments used in committing, or subjects

of, an administrative offence, shall consist of drawing up an inventory of said goods, transport vehicles and other items, accompanied by the announcement to the person, against whom this measure of proceeding in a case concerning an administrative offence has been taken, or to a legal representative thereof, about the prohibition in disposing of (and, where necessary, using) them, and shall be enforced, when it is impossible to confiscate said good, transport vehicles and other items and (or) their safekeeping may be secured without seizure thereof. Goods, transport vehicles and other items under arrest may be delivered for accountable safekeeping to other persons appointed by the official who has made the arrest thereof.

2. An arrest of goods, transport vehicles and other items shall be effected by the persons indicated in Article 27.3 and in Part 2 of Article 28.3 of this Code in the presence of the owner of the items and of two attesting witnesses.

In urgent situations an arrest of items may be effected in the absence of the owner thereof.

3. Where necessary, photography, filming, videotape recording and other established ways of fixing material evidence shall be used.

4. A record shall be drawn up of an arrest of goods, transport vehicles and other items. The record of an arrest of goods, transport vehicles and other items shall indicate the date and place of drawing it up, the office, family name and initials of the person who drew it up, information about the person against whom this measure of proceeding in a case concerning an administrative offence has been taken to, and about the person who is the owner of the goods, transport vehicles and other items which are placed under arrest, their inventory and identification marks, as well as contain an entry about the use of photography, filming, videotape recording and other established ways of fixing material evidence. Materials obtained, when making an arrest thereof, with the use of photography, filming, videotape recording and other established ways of fixing material evidence, shall be attached to the record thereof.

5. Where necessary, goods, transport vehicles and other articles placed under arrest shall be packed and sealed.

6. A copy of a record of arresting goods, transport vehicles and other items shall be served to the person against whom this measure of proceeding in a case concerning an administrative offence has been taken, or to a legal representative thereof.

7. Where goods, transport vehicles or other items under arrest are alienated or concealed, the person, against whom this measure of securing proceedings on a case concerning an administrative offence has been taken, or the keeper thereof, shall be liable under the laws of the Russian Federation.

Chapter 30. Review of Decisions with Regard to Cases Concerning Administrative Offences

Article 30.1. Right to Appeal against a Decision in a Case Concerning an Administrative Offence

1. The persons, specified in Articles from 25.1 to 25.5 of this Code, may appeal against a decision in a case concerning an administrative offence:

1) to a superior court, when it is rendered by a judge;

2) to a district court at the location of a collegiate body, when it is issued by a collegiate body;

3) to a superior body, a superior official or a district court at the place of trying the case, when it is issued by an official;

4) to a district court at the place of trying the case, when it is issued by any other body established in compliance with a law of a subject of the Russian Federation.

2. When an appeal against a decision in a case concerning an administrative offence was received at a court, superior body, or by a superior official, the appeal shall be considered by a court.

On the basis of the results of considering the appeal a decision shall be issued in this respect.

3. A decision in a case concerning an administrative offence, committed by a legal entity or by a person engaged in business activity without forming a legal entity, shall be appealed to an arbitration court in compliance with the laws on arbitration procedure.

4. A ruling to refuse the initiation of proceedings in a case concerning an administrative offence shall be appealed against in compliance with the rules established by this Chapter.

Article 30.2. The Procedure for Filing an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

1. An appeal against a decision with regard to a case concerning an administrative offence shall be filed to a judge, body, or official which issued the decision with regard to the case and which shall be obliged within three days, as of the date of receipt of the appeal, to send it together with all the materials of the case to the appropriate court, superior body or superior official.

2. An appeal against a decision of a judge to impose an administrative penalty in the form of administrative arrest shall be subject to submission to a superior court on the day of the appeal's receipt.

3. An appeal may be submitted directly to the court, or to the superior body, or to the superior official which is authorized to consider it.

4. Where consideration of an appeal does not fall within the jurisdiction of the judge or of the official, with whom a decision with regard to a case concerning an administrative offence has been appealed, the appeal shall be submitted for consideration in compliance with the jurisdiction thereof within three days.

5. An appeal against a decision with regard to a case concerning an administrative offence shall be exempted from state duty.

Article 30.3. Term for Appealing against a Decision with Regard to a Case Concerning an Administrative Offence

1. An appeal against a decision with regard to a case concerning an administrative offence may be submitted within ten days, as of the date of delivery or receipt of a copy of the decision.

2. In the event of missing the term provided for by Part 1 of this Article, said term, on the petition of the person who has filed the appeal, may be restored by the judge or by the official authorized to consider the appeal.

3. A ruling shall be issued in the case of the rejection of a petition for restoration of the term for appeal against a decision with regard to a case concerning an administrative offence.

Article 30.4. Preparing for Consideration of an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

When preparing for consideration of an appeal against a decision with regard to a case concerning an administrative offence, a judge or an official shall do the following:

1) shall clarify, whether there are circumstances precluding the possibility of considering the appeal by this judge or official, as well as whether there are circumstances precluding proceedings on the case;

2) shall allow petitions, order an expert examination, where necessary, demand and obtain additional materials, summon the persons whose participation in consideration of the appeal is regarded as necessary;

3) shall submit the appeal together with all the materials of the case for consideration in compliance with its jurisdiction, when consideration thereof does not fall within the jurisdiction of this judge or official.

Article 30.5. Terms for Considering an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

1. An appeal against a decision with regard to a case concerning an administrative offence shall be subject to consideration within a ten-day term, as of the date of receipt thereof with all the materials of the case at the court, body, or by the official, which is authorized to consider the appeal.

2. An appeal against a decision about an administrative arrest shall be subject to consideration within 24 hours, as of the moment of filing the appeal, if the person, brought to administrative responsibility, is under administrative arrest.

Article 30.6. Considering an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

1. An appeal against a decision with regard to a case concerning an administrative offence shall be considered by a single judge or official.

2. When considering an appeal against a decision with regard to a case concerning an administrative offence:

1) it shall be announced who is considering the appeal, what appeal is subject to consideration, and who has filed the appeal;

2) the appearance of the natural person, of a lawful representative of the natural person, or of a lawful representative of the legal entity, in respect of which a decision with regard to the case has been issued, as well as the appearance of the persons, who have been summoned for participation in the consideration thereof, shall be ascertained;

3) the powers of lawful representatives of the natural person or of the legal entity, of a defense counsel and a representative shall be verified;

4) the reasons for failure of participants of proceedings in the case to appear shall be clarified, and a decision shall be taken to consider the appeal in the absence of said persons or to postpone consideration thereof;

5) the rights and duties of the persons, participating in the consideration of the appeal, shall be explained;

6) decisions regarding challenges and petitions made shall be taken;

7) the appeal against the decision with regard to the case concerning the administrative offence shall be announced;

8) the lawfulness and substantiation of the decision issued shall be verified on the basis of the materials of the case, including those additionally submitted, in particular, explanations of the natural person or of a legal representative of the legal entity, in respect of which the decision with regard to the case concerning the administrative offence, has been issued shall be heard; where necessary, testimonies of other persons participating in the consideration of the case, explanations of a specialist and an opinion of an expert shall be heard, other evidence shall be examined and other procedural actions shall be committed, in compliance with this Code;

9) if a prosecutor participates in the consideration of the case, his opinion shall be heard.

3. The judge and the superior official shall not be bound by the arguments of the appeal and shall verify the case

in full.

Article 30.7. A Determination in Respect of an Appeal against a Decision with Regard to a Case Concerning an Administrative Offence

1. On the basis of the results of considering an appeal against a decision with regard to a case concerning an administrative offence one of the following determinations shall be issued:
1) to leave the decision unchanged and not to satisfy the appeal;
2) to modify the decision, if it does not aggravate an administrative penalty and does not deteriorate in some other way the position of the person, in respect of whom the decision has been rendered;
3) to reverse the decision and to terminate proceedings on the case in the presence of at least one of the circumstances provided for by Articles 2.9 and 24.5 of this Code, as well as when the circumstances, which have served as a basis for rendering the decision, are not proved;
4) to reverse the decision and to return the case for a new trial to the judge, body, or official authorized to try the case, where there are considerable failures to meet the procedural requirements provided for by this Code, if they have impeded the comprehensive, full and unbiased consideration of the case, as well as in connection with the necessity to enforce a law on an administrative offence that entails the imposition of a stricter penalty, if the victim has appealed against the mildness of the imposed administrative penalty;
5) to reverse the decision and to direct it for consideration in compliance with jurisdiction thereof, if it was established during consideration of the appeal that the decision had been rendered by a judge, body, or official which is not authorized to do so.
2. A determination, taken on the basis of the results of considering an appeal against a decision with regard to a case concerning an administrative offence, should contain the data provided for by Part 1 of Article 29.10 of 3 this Code.
3. Where it has been clarified during consideration of an appeal against a decision concerning an administrative offence that consideration thereof does not fall within the jurisdiction of the given judge or given official, a ruling shall be issued to transfer the appeal for consideration in compliance with the jurisdiction thereof.

Article 30.8. Announcement of a Determination Rendered in Respect of an Appeal against a Decision in a Case Concerning an Administrative Offence

1. A determination in respect of an appeal against a decision in a case concerning an administrative offence shall be announced immediately after its rendering.
2. A copy of a determination in respect of an appeal against a decision in a case concerning an administrative offence, shall within three days of its rendering, be handed in or sent to the natural person or to a lawful representative of the legal entity, in respect of which the decision with regard to the case has been rendered, as well as to the victim, if the victim has lodged the appeal, or to a prosecutor at his request.
3. A determination in respect of an appeal against a decision about administrative arrest shall be brought to the knowledge of the body or the official which is to carry out the decision, as well as to the knowledge of the person, in respect of whom the determination has been rendered, and of the victim, on the day of rendering it.

Article 30.9. Review of a Determination in Respect of an Appeal against a Decision in a Case Concerning an Administrative Offence

1. A decision with regard to a case concerning an administrative offence, rendered by an official, and (or) a determination of a superior official in respect of an appeal against this decision may be appealed at a court at the place of considering the appeal and then at a superior court.
2. A decision with regard to a case concerning an administrative offence, which has been rendered by a collegiate body or by a body established in compliance with a law of a subject of the Russian Federation and (or) a determination of a judge in respect of an appeal against this decision, may be appealed at a superior court.
3. Submission of further appeals against a decision with regard to a case concerning an administrative offence and (or) against a determination in respect of an appeal against this decision, as well as consideration and settlement thereof, shall be carried out in the procedure and within the terms established by Articles from 30.2 to 30.8 of this Code.
4. Copies of decisions shall be directed to the persons indicated in Article 30.8 of this Code within a three-day term as of the date of rendering the decisions.

Article 30.10. Lodging a Protest against an Ineffective Decision in a Case Concerning an Administrative Offence and against Further Decisions

1. A prosecutor, in the procedure and within the terms, established by Articles from 30.1 to 30.3 of this Code, may protest against an ineffective decision with regard to a case concerning an administrative offence and (or) against further decisions of superior instances in respect of appeals against this decision.
2. A protest of a prosecutor against a decision with regard to a case concerning an administrative offence and (or) against further decisions in respect of appeals against this decision shall be considered in the procedure and within the terms established by Articles from 30.4 to 30.8 of this Code.

3. A copy of a determination in respect of a protest of a prosecutor against a decision in a case concerning an administrative offence shall be directed to the prosecutor who lodged the protest, and to the persons, indicated in Articles from 25.1 to 25.5 of this Code, within a three-day term after rendering it.

Article 30.11. Review of an Effective Decision in a Case Concerning an Administrative Offence and Decisions Based on the Results of Considering Appeals and Protests

1. A prosecutor may lodge a protest against an effective decision with regard to a case concerning an administrative offence and decisions based on the results of considering appeals and protests.
2. Prosecutors of the subjects of the Russian Federation and their deputies, the Procurator-General of the Russian Federation and his deputies shall be vested with the right to lodge a protest against an effective decision with regard to a case concerning an administrative offence and a determination based on the results of considering an appeal or a protest.
3. Chairmen of supreme courts of republics, of territorial and regional courts, of the Moscow and Saint-Petersburg courts, of courts of autonomous regions and autonomous areas and their deputies, the Chairman of the Supreme Court of the Russian Federation and his deputies shall be authorized to review an effective decision with regard to a case concerning an administrative offence and determinations based on the results of considering appeals and protests.
4. An effective decision with regard to a case concerning an administrative offence and determinations based on the results of considering appeals may be reviewed in the exercise of supervisory powers by the Higher Arbitration Court of the Russian Federation in compliance with the laws of arbitration procedure.

Chapter 31. General Provisions

Article 31.1 Entry into Legal Force of a Decision in a Case Concerning an Administrative Offence

A decision with regard to a case concerning an administrative offence shall enter into legal force:
1) upon the expiry of the term established for appealing against a decision in a case concerning an administrative offence, if an appeal or a protest has not been lodged against said decision;
2) upon the expiry of the term established for appealing against a determination in respect of an appeal or a protest, if an appeal or a protest has not been lodged against said determination, except for the instances when the determination reverses the decision rendered;
3) immediately after rendering a determination without appeal in respect of an appeal or a protest, except for the cases when the determination reverses the decision rendered.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- Extracts of Decree No. 226 of 26 February 1999 of the Government of the Russian Federation: Establishment of the Branch System of Monitoring of the Aquatic Biological Resources, Supervision and Control Exercised over the Fishing Vessels (in Russian) (not reproduced)

- English translation

Translation, Original: Russian
Extract

THE GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE
26 February 1999 No.226

ESTABLISHMENT OF THE BRANCH SYSTEM OF MONITORING OF THE AQUATIC BIOLOGICAL RESOURCES, SUPERVISION AND CONTROL EXERCISED OVER THE FISHING VESSELS

For the purposes of protection of the economic security of the Russian Federation, effective usage, study and conservation of the aquatic biological resources of the internal sea waters, territorial sea, continental shelf, exclusive economic zone of the Russian Federation, Caspian and Azov seas, and supervision exercised over the fishing activity of the Russian vessels in the seas to which the jurisdiction of the Russian Federation does not extend,
the Government of the Russian Federation **decides as follows**:

1. The State Committee for fishing matters shall create, on the basis of space observing systems (*Argos, Inmarsat, Gonez, Kurs, Glonass, Navstar* and other) and information technologies, a branch system of monitoring exercised over the aquatic biological resources, supervision and control exercised over the activities of the fishing vessels, both Russian and foreign, that fish (search and catch aquatic biological resources, accept, process, transport, safe-keep and reload the production, supply the fishing vessels with fuel, water, food, package and other goods) and study sea resources in the internal sea waters, territorial sea, in the area of continental shelf and exclusive economic zone of the Russian Federation, in the Caspian and Azov seas, and also over the Russian vessels that fish aquatic biological resources and study sea resources in the high seas and in the exclusive economic zones of foreign countries.

...

3. Starting 1 January 2000 all foreign vessels that fish aquatic biological resources and study sea resources in the territorial sea, in the exclusive economic zone of the Russian Federation, in Caspian and Azov seas, shall be equipped with the monitoring systems.
The Ministry of Foreign Affairs of the Russian Federation, the Federal Customs Service and State Committee for fishing matters in the second quarter of 1999 shall notify the foreign States that are parties to intergovernmental agreements on the fishing matters, that starting 1 January 2000 the licenses allowing fishing aquatic biological resources and study of the sea resources in the territorial sea, exclusive economic zone of the Russian Federation, in the Caspian and Azov seas, would be provided only to those foreign vessels that carry monitoring systems on board.

...

7. The State Committee for fishing matters shall cancel the licenses that were provided to the vessels to fish aquatic biological resources, shall deprive those Russian and foreign vessels indicated in paragraph 1 of the present Decree of fishing quotas for the period up to two years in case if:

- the vessel does not carry monitoring system on board;
- the vessel carries monitoring system on board but provides no information regarding the vessel location, the amount of aquatic biological resources on board and sea products, including other information on fishing matters that should be transmitted to the regional centers of the branch system of monitoring of the aquatic biological resources, supervision and control exercised over the activity of the fishing vessels;
- violation by the Russian and foreign vessels of the procedure of passing through checkpoints in the course of fishing aquatic biological resources or study of sea resources in the exclusive economic zone of the Russian Federation.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

- Set of documents:
A. Protocol of the XXIII Session of the Russian-Japanese Joint Commission on Fish Industry held from 12 to 19 March 2007 (in Russian) (not reproduced)
- English translation of extracts
B. Agenda of the XXIII session of the Joint Commission (in Russian) (not reproduced)
- English translation of extracts
C. Protocol of Russian-Japanese intergovernmental consultations on issues of harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation in 2007 of 26 April 2007 (in Russian) (not reproduced)
- English translation of extracts (see also annex 18 under (a) below of the additional documents submitted by the Russian Federation on 16 July 2007)
D. Agenda of the Russian-Japanese intergovernmental consultations on issues of harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation in 2007 (annex 2 to the Protocol of those consultations) (in Russian) (not reproduced)
- English translation of extracts
E. Annex 4-2 to the Protocol of intergovernmental consultations: Guarantee (in Russian) (not reproduced)
- English translation of extracts
F. Memorandum II dated 26 April 2007 from the Department of Fisheries, Ministry of Agriculture, Russian Federation, to the Department of Fisheries, Ministry of Agriculture, Forestry and Fisheries, Japan (in Russian) (not reproduced)
- English translation (see also (i) above under Completion of Documentation)
G. Annex II-1 to Memorandum II: Penalties discharge guarantee (in Russian) (not reproduced)
- English translation of extracts (see also (i) above under "Completion of Documentation")

1

Translation, Original: Russian
(Extracts)

A. PROTOCOL

of the XXIII session of the Russian-Japanese
Joint Commission on Fish Industry

1. In the period from 12 to 19 March 2007 in Moscow held the XXIII session of the Russian-Japanese Joint Commission on Fish Industry (hereinafter referred to as "the Joint Commission") which was previously named "The Soviet-Japanese Joint Commission on Fish Industry" and established *under Article VII of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985* (hereinafter referred to as "the Agreement").

...

8. On paragraph 6 of the Agenda...
[Para.3] The Sides came to a *common opinion* that issues which relate to harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation *are to be considered within the framework of the Russian-Japanese intergovernmental consultations held in accordance with the provisions of the Agreement between the Government of the USSR and the Government of Japan on Mutual Relations in the Field of Fisheries off the Coasts of the Two Countries of 7 December 1984 and with the Agreement between the Government of the USSR and the Government of Japan on the provisions of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985*, and that the outcomes of those intergovernmental consultations are to be set forth in their Protocol.

B. Agenda of the XXIII session of the Joint Commission

...6. Exchange of information upon harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation in 2007 and consideration of related thereto issues.

...

C. PROTOCOL

of Russian-Japanese intergovernmental consultations on issues
of harvesting of Russian originated salmon by Japanese fishing vessels
in 200-mile zone of the Russian Federation in 2007

1. In accordance with *paragraph 3 point 8* of the Protocol of the 23d session of Russian-Japanese Joint Commission on Fish Industry (hereinafter - the 23d session of the Join Commission) held *in accordance with Article VII of the Agreement between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish Industry of 12 May 1985* and based on the provisions of *the Agreement between the Government of the USSR and the Government of Japan on Mutual Relations in the Field of Fisheries off the Coasts of the Two Countries of 7 December 1984 and Agreement*

2

between the Government of the USSR and the Government of Japan on Cooperation in the Field of Fish industry of 12 May 1985 delegation of the Russian Federation and delegation of the Government of Japan (hereinafter - the Sides) held in the period from 19 March to 26 April 2007 in Moscow consultations on the issues of harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation in 2007 and composed present Protocol which *forms an inherent part of the Protocol of the 23d session of Russian-Japanese Joint Commission.*

...

4. On paragraph 3 of the Agenda the Sides have adopted the Agenda of the Consultations ([redacted])

7. On paragraph 6 of the Agenda. The Sides exchanged views with each other upon the volume of quota, species composition and fishing area, as well as *specific conditions of harvesting* Russian originated salmon by Japanese vessels in 200-mile zone of the Russian Federation in 2007.

...The proposals of the Russian side as to harvesting Russian originated salmon by Japanese vessels in 200-mile zone of the Russian Federation in 2007 relating to species, zones and other fishing conditions are submitted in accordance with Annex 4.

9. On paragraph 8 of the Agenda.

The Sides have held consultations on measures for conservation of biological resources and other provisions and conditions established in laws and rules of the Russian Federation related to the harvesting of Russian originated salmon in 200-mile zone of the Russian Federation.

The notification to the Government of Japan on these issues will be conveyed to the competent authority of Japan by the competent authority of the Russian Federation if necessary.

...

Representative of the Russian Side	Representative of the Japanese Side
Signed A.V.FOMIN	Signed YAMASITA Dzyun

D. Agenda of the Russian-Japanese intergovernmental consultations on issues of harvesting of Russian originated salmon by Japanese fishing vessels in 200-mile zone of the Russian Federation in 2007 (extract). *[Annex 2 to the Protocol of those consultations*].

...

6. Consultations on issues relating to determination of the volume of quotas, species composition, fishing areas and specific conditions of fishing Russian originated salmons in 200-mile zone of the Russian Federation.

...

8. Consultations on measures for conservation of biological resources and other provisions and conditions established by laws and regulations of the Russian Federation related to harvesting of the Russian originated salmons in 200-mile zone of the Russian Federation.

3

E. Annex 4-2

[to the Protocol of Russian-Japanese Intergovernmental Consultations]

1. Guarantee.

...

F. To the Department of Fisheries
of the Ministry of Agriculture,
Forestry and Fisheries of Japan

MEMORANDUM II

Department of Fisheries of the Ministry of Agriculture of the Russian Federation presents its compliments to the Department of Fisheries of the Ministry of Agriculture, Forestry and Fisheries of Japan and in accordance with paragraph 8 of the Protocol of Russian-Japanese intergovernmental consultations on issues of harvesting of Russian originated salmon by Japanese fisherman vessels in 200-mile zone of the Russian Federation in 2007 signed 26 April 2007 in Moscow (hereinafter – Protocol), has the honor to convey enclosed to present Memorandum the information relating *to Annex 4-2 of the Protocol.*

Department of Fisheries
of the Ministry of Agriculture
of the Russian Federation

"26" April 2007

G.

Annex II-1 (Extract)

[to the Memorandum II of the Department of Fisheries of the Ministry of Agriculture of the Russian Federation dated April, 26, 2007]

PENALTIES DISCHARGE GUARANTEE

Me, _____, address to the head of _____ * with request about earliest release of the further mentioned wrong-doer. The general amount of fine, compensation for incurred damage, cost of illegally harvested living resources, products of their processing, instruments of illegal harvesting (hereinafter referred to as "the penalties") amounting to _____ rub. will be discharged according to regulations of the Russian Federation, on the basis of submitting of the present Guarantee to an authorized financial agency of the Russian Federation by using of irrevocable letter of credit (L/C) opened in the appropriate financial agency.

* title of competent authority of Russia whose official detected a breach of regulation

_____year _____ month _____ day

4

Title of the organization
providing guarantee_____
Address of the organization
providing guarantee_____
signature and stamp

1. Wrong-doer's last name _____
2. Name of fishing vessel, number of fishing license_____
3. Relation of guarantee provider to the wrong-doer _____
4. Date of check _____year_____month_____day
5. Title of authorized financial agency, which opened irrevocable letter of credit, represented by the copy of the guarantee as well as its branch_____
6. Bank account_____ of state maritime inspections of Border Guard Service [BS] Directorates of Federal Security Service of Russia (hereinafter referred to as "the SMI") for payment of penalties according to irrevocable letter of credit (L/C).

_____

Notes:

1. The Japanese fishing organizations willing to use the present Guarantee, have to open, for the period of time indicated in their license as the time of harvesting, the irrevocable letter of credit in the authorized financial agency agreed upon with SMI of BS of FSS of Russia and, by having enclosed to it necessary documents, to submit it to SMI of BS of FSS of Russia.

2. In case of a relatively minor infringement, when the amount of penalties is below 100.000 US dollars, guarantee is valid within the limits of the amount of irrevocable letter of credit.

3. Exact procedure for opening of irrevocable letter of credit is established upon consultations between SMI and Japanese financial organizations.

4. When guarantee is not presented in accordance with Annex II-1, vessel and crew detained for violation of fishing order and rules in the EEZ of the Russian Federation, other provisions and conditions established by the Russian law (except cases when responsibility of such vessel and its crew are to be established by judiciary) are released upon posting of a reasonable bond comparative to the amount of fine, compensation for inflicted damage, cost of illegally caught living resources, products of their processing, instruments of committing offence (hereinafter referred to as "the penalties") to bank account specified by SMI.

5. Reasonable bond is considered as measure to secure the payment of the penalties. In cases where obligations on penalties' payment are not fulfilled, competent (authorized) bodies have the right to reimburse the amount of penalties by means of recovery of pledged money, securities, or property.

...

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

Extracts of Decree No. 724 of 26 September 2000 of the Government of the Russian Federation: On Changes in Tariffs for Calculating the Compensation Rate for Damages Inflicted upon Water Biological Resources, together with extracts of Tariffs for Calculating the Compensation Rate for Damages Inflicted by Citizens, Legal Entities and Stateless Persons through Destruction, Illegal Fishing or Harvesting of Water Biological Resources (in Russian) (not reproduced)

- English translation

Translation, Original: Russian.

GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE N 724
of 26 September 2000

(Extract)

ON CHANGES IN TARIFFS
FOR CALUCALTING THE COMPENSATION RATE
FOR DAMAGES INLICTED UPON WATER BIOLOGICAL RESOURCES

For the purposes of preservation of valuable water biological resources, including those entered in the Red Book of the Russian Federation, the Government of the Russian Federation orders:

1. To enter the following changes in the Decree of the Government of the Russian Federation N 515 of 25.05.1994 on Approval of Tariffs for Calculating the Compensation Rate for Damages Inflicted by Destruction, Illegal Fishing and Harvesting of Water Biological Resources (Compilation of Laws of the Russian Federation, 1994, N 6, Art. 604):

...

6) To include the tariffs approved by the Decree in the new version (see the attachment).

2. To approve the attached tariffs for calculating the compensation rate for damages inflicted by citizens, legal entities and stateless persons through destruction, illegal fishing or harvesting of water biological resources which are entered in the Red Book of the Russian Federation in the Internal fisheries, internal sea waters, territorial sea, continental shelf and exclusive economic zone of the Russian Federation.

Approved
By the Decree N 515 of the Government
of the Russian Federation
of 25.05.1994
(as amended by the Decree N 724
of the Government of the Russian Federation
of 26 September 2000)

TARIFFS
FOR CALCULATING THE COMPENSTAION RATE FOR DAMAGES INFLICTED BY CITIZENS, LEGAL ENTITIES AND STATELESS PERSONS THROUGH DESTRUCTION, ILLEGAL FISHING OR HARVESTING OF WATER BIOLOGICAL RESOURCES

IN THE INTERNAL FISHERIES, INTERNAL SEA WATERS, TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE OF THE RUSSIAN FEDERATION AS WELL AS ANADROMOUS FISH SPECIES ORIGINATED IN RUSSIAN RIVERS, OUTSIDE THE EXCLUSIVE ECONOMIC ZONE OF THE RUSSIAN FEDERATION UP TO EXTERNAL BORDERS OF ECONOMIC AND FISHING ZONES OF FOREIGN STATES

Water Biological Resources	Tariff (rubles per specie regardless its size and weight
Anadromous, semi-anadromous and freshwater:	
...	
Summer salmon, spring salmon, Amur autumn chum salmon, silver salmon, Siberian white salmon, taimen, **sockeye salmon**, Baltic salmon, Caspian salmon, Black Sea salmon	1,250

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):

Extracts of the Fisheries Regulations for the Far-East Fishing Basin (Annex to the Order of the Ministry of Agriculture, No. 151) of 1 March 2007 (in Russian) (not reproduced)

- English translation

Translation, Original: Russian

Annex to the Order of the Ministry of Agriculture
No.151 of March 1, 2007

FISHERIES REGULATIONS FOR THE FAR-EAST FISHING BASIN

(Extract)

I. General Provisions

1. The Fisheries Regulations for the Far-East Fishing Basin govern fisheries activities of Russian legal and natural persons [...] in internal waters of the Russian Federation, its territorial waters and Exclusive Economic Zone within the Far-East Fishing Basin, as well as fisheries activities of foreign legal and natural persons in accordance with the Russian legislation and International Treaties concluded by the Russian Federation.

2. The Far-East Fishing Basin comprises [...] Pacific Ocean waters adjacent to the Eastern Kamchatka and the Kuril Islands including the basins of the flawing rivers [...].

3. The Fisheries Regulations govern:

- obligations of those harvesting water biological resources;
- list of the documents required to carry out fisheries;
- requirements to those harvesting water biological resources;
- areas/zones where fishing is prohibited;
- seasons when fishing is prohibited;
- species prohibited for exploitation;
- equipment and methods for harvesting water biological resources;
- minimal mesh size, parameters of fishing gear;
- allowable fish size and percentage of young fish in the catch;
- allowable percentage of fish of one species in the catch of other harvested species.

4. In case when International Treaties of the Russian Federation in the sphere of fisheries and conservation of water biological resources provide the rules different from the Fisheries Regulations the rules of the Treaties should apply.

2

II. Rules of harvesting water biological resources for the purposes of industrial fishing, including off-shore fishing, in territorial waters and Exclusive Economic Zone of the Russian Federation

1. Users' obligations

7. While carrying out industrial fishing, including off-shore fishing, the users:

7.1. should provide:

- individual catch registration according to species of water biological resources, records of weight ratio of species in the catch, fishing gear and locations of fishing (region, sub region, harvesting zone, harvesting sub zone) in the log-book and in other reports;
- compliance with provisional requirements of satellite monitoring of Russian and foreign fishing vessels established by the Orders of the State Committee of Fisheries of the Russian Federation N 338 of November 30, 1999 and N 330 of November 22, 1999;

[...]

7.8. the Master of a fishing vessel or other person responsible for harvesting water biological resources shall:

- submit daily ship reports (DSR) on fishing activities (the data included into these DSRs are to strictly correspond the vessel's, harvesting and technological log-books. Copies of the DSRs certified by signature of the Master and his Seal shall be kept on board for one year since the moment of reporting);
- ensure integrity and comprehensiveness of the DSR database submitted to the control authority.

2. List of the documents required to carry out industrial fishing (including off-shore fishing)

8. The Master of the fishing vessel, team-leader or other person responsible for harvesting water biological resources shall have on board as well as on every fishing area:

- original license to harvest water biological resources, as well as further amendments to that license;
- harvest log-book;
- technological log-book (on board of those vessels that process the fish catch);
- text of this Regulations and other documents that regulates harvesting of water biological resources in the harvesting area;
- a statement of compliance to the technical requirements.

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3. Provisions to be applied by users of water bio-recourses

9. Users of the water biological resources are not entitled:

9.1. to harvest water biological resources:

[...]

- in excess of the permitted catch quota in connection to harvesting area and species of water biological resources;
- in excess of the permitted catch quota as provided in the license to harvest water biological resources;

[...]

9.2. to take on board (or to hand in) and to have on board of a fishing vessel catch of one species of water biological resources (or processed catch thereof) under the name of other species or without specifying the catch composition, to take on board (or to hand in) the catches without weighing and/or piece-by-piece calculation.

9.3. to keep books and to submit information on catches of water biological resources with misrepresented data of factual catch, its species composition, fishing gear used for harvesting, periods of harvesting and methods of fishing, as well as without indication of the harvest area or with incorrect indication of the.

9.4. to have on board of fishing and other vessels and at the processing shop water biological resources not properly recorded at the harvest and technological log-books.

[...]

IX. Liability for violation of the Fishing Regulations

102. The users harvesting for water biological resources and guilty of violations of the Fishing Regulations shall be accountable under laws of the Russian Federation.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
Extracts of the Federal Law on Wildlife (No. 52-FZ of 24 April 1995) of the Russian Federation (in Russian) (not reproduced) (articles 35 and 40 also reproduced as part of the documents submitted by Japan on 18 July 2007, see (b) above under "Completion of Documentation")
- English translation

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Translation, Original: Russian

24 April 1995 N 52-FZ

RUSSIAN FEDERATION
FEDERAL LAW ON WILDLIFE[1]

(Extract)

Adopted
by the State Duma
22 March, 1995

The wildlife is a province of peoples of the Russian Federation, integral element of habitat and biological diversity of the Earth, renewable natural resource and important regulating and stabilizing element of biosphere which is protected in a comprehensive way and rationally used to satisfy spiritual and material needs of the citizens of the Russian Federation.

Chapter I. GENERAL PROVISIONS

Article 1. Basic Definitions

For the purposes of this Federal Law the following definitions shall be used:

Wildlife shall mean the whole world of living organisms, all wild animals permanently or temporarily inhabiting the territory of the Russian Federation and having natural freedom as well as belonging to natural resources of the continental shelf or exclusive economic zone of the Russian Federation;

Wildlife specie shall mean specie of animal origin (wild animal) or their population;

Sustained use of wildlife species shall mean the use of wildlife species which results in the long term in the exhaustion of biological diversity while the animals preserve their ability to reproduction or permanent inhabitation;

Wildlife protection shall mean the activities aimed at preserving biological diversity and secure stable existence of animals as well as creating conditions for stable use and reproduction of animal species;

Use of wildlife shall mean legal activities of citizens, individual entrepreneurs and legal entities in exploiting wildlife;

Wildlife users shall mean citizens, individual entrepreneurs and legal entities entitled to use the wildlife under the laws and other legal enactments of the Russian

[1] In some documents and statements of the Russian delegation the title of this Federal Law was translated into English as "the Federal Law on Fauna" *(notes by Interpreter)*.

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Federation and laws and other legal enactments of the constituent entities of the Russian Federation;

Article 4. State property rights to wildlife species

Wildlife in the territory of the Russian Federation shall be the property of the Russian Federation.

The Russian Federation shall have exclusive sovereign rights and exercise its jurisdiction on the continental shelf and in the exclusive economic zone of the Russian Federation as regards to wildlife species under the procedure established by this Federal Law, other federal laws and legal enactments of the Russian Federation as well as norms of international law.

...

The following wildlife species can be considered as federal property:

Species inhabiting territorial sea, continental shelf and exclusive economic zone of the Russian Federation;

...

The relations on possession, use and dispose of wildlife species shall be regulated by civil legislations inasmuch as they are not regulated by this Federal Law.

Chapter V. WILDLLIFE USE

Article 33. Rights to wildlife species of persons that are not their owners

...

A user shall exercise all his/her rights to own and use wildlife species under the terms and within the limits established by law, license and contract with public authorities which provide corresponding territory, water areas for wildlife exploitation.

Article 34. Types and methods of wildlife use

Legal entities and citizens can exercise the following types of wildlife exploitation:

Fishing, including removal of aquatic invertebrates and marine mammals;

The wildlife use shall be exercises through removal of wildlife species from their habitat or without such extraction.

List of wildlife species which are prohibited for extraction from their habitat without a license, shall be subject to approval of designated authorities exercising protection, monitoring and management of the use of wildlife species and their habitat.

Article 35. Conditions of wildlife use

Wildlife species' users which remove wildlife species from their habitat in accordance with Part 4, Article 34 of this Federal Law shall pay a fee for the use of

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wildlife species in the amount and under the procedure established by the legislation of the Russian Federation on taxes and tariffs.

...

The use of wildlife shall be exercised in compliance with federal and regional standards, rules, limits and normative standards elaborated in accordance with this Federal Law, other laws and legal enactments of the Russian Federation as well as laws and other legal enactments of the constituent entities of the Russian Federation.

...

The wildlife use shall be exercised by legal entities and individual entrepreneurs under the license during the period specified in the license upon the agreement of the parties and depending on the type of wildlife use within the specified territory or water area.

Article 40. Rights and obligations of the wild life users

The wild life users shall have the right:
To use the objects of the wild life provided for the use;

....

The wild life users shall be obliged:
To exercise only the types of the wild life use specified in the license;
To observe the established rules, norms and dates for the wild life use;

...

to render assistance to public authorities in the protection of the wild life;

Chapter VIII. RESPONSIBILITY FOR VIOLATION OF LEGISALATION OF THE RUSSIAN FEDERATION ON THE PROTECTION AND USE OF WILD LIFE

Article 55. Administrative, civil legal and criminal responsibility for violation of legislation of the Russian Federation on protection and use of the wild life

Legal entities and citizens guilty of committing the following offences:
Violation of rules of hunting and fishing, as well as rules of exercising other types of the wild life use;

Violation of established procedure of issuing licenses for the wild life use and permits for removal of objects of the wild life out of their habitat,
Shall bear civil, administrative and criminal responsibility under the legislation of the Russian Federation.

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Article 56. Responsibility of legal entities and citizens for the damage caused to objects of the wild life and their habitat

Legal entities and citizens who caused damage to the objects of wild life and their habitat shall compensate for the damage so caused voluntarily or through the judgement of the court or arbitration court in accordance with tariffs and methods for calculating damage to the wild life, and in their absence – according to actual cost of compensating for the damage caused to the objects of the wild life and their habitat taking into account the loss suffered, including missed profit.

Article 59. Confiscation of illegally taken objects of the wild life and tools for illegal hunting of objects of the wild life

The illegally taken objects of the wild life and the products, as well as the tools for illegal taking of objects of the wild life, including means of transportation are subject to free removal or confiscation in accordance with the procedure established under the legislation of the Russian Federation.

Removed or confiscated for free the objects of the wild life are subject to be returned to their habitat. The said objects of the wild life in cases when their physical condition shall not allow to return them to their habitat, as well as the products shall be subject to sale or destruction in accordance with the procedure established by the Government of the Russian Federation.

Removal or confiscation for free of objects of the wild life shall not absolve the citizens, legal entities who took the objects of the wild life illegally from an obligation to compensate for the damage caused to objects of the wild life and their habitat.

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
Extracts of Decision No. 14 of 5 November 1998 of the Plenary Session of the Supreme Court of the Russian Federation: On Practice of Implementation by Courts of Legislation concerning Liability for Ecological Offences (in Russian) (not reproduced)
- English translation

Translation, Original: Russian

PLENARY SESSION OF
THE SUPREME COURT OF THE RUSIAN FEDERATION

DECISION
5 November 1998 № 14

On practice of implementation by courts of legislation concerning liability for ecological offences

(Extract)

With a view to guarantee proper and uniform application by courts of legislation concerning liability for ecological offences, the Plenary session of the Supreme Court of the Russian Federation decrees:

1. To draw attention of courts to the importance of guaranteeing proper, uniform and efficient implementation of legislation concerning liability for the commitment of ecological offences. A high level of public dangerousness of this type of offences is due to the fact that the object of their encroachment is the stability of environment and of natural resources potential, as well as the right of everybody to favorable environment guaranteed by Article 42 of the Constitution of the Russian Federation.

[...]

15. When considering cases concerning violations of ecological legislation, courts should find out in every particular case the amount of damage inflicted. When determining the amount of compensation for ecological damage and calculating sums of damage caused by an ecological offence and subject to compensation, courts should be guided by the officially approved centralized methods of calculation and established rates, as well as by regional norms concretizing provisions of the federal legislation.

16. When deciding on whether the damage caused by an illegal catch of water animals and plants or by illegal hunting, is serious or not, courts should take into consideration the amount of water animals and plants caught, damaged or destroyed, the natural occurrence of animals, their belonging to special categories, e.g. to rare and vanishing species, their ecological value, their importance for the particular habitat, game-preserve, as well as the other circumstances of an offence.

When a serious damage is inflicted by illegal catch of water animals and plants or by illegal hunting, courts should establish the causality between the actions of those who are guilty and their consequences.

At the same time, when evaluating the offences committed, courts should in every particular case not only proceed from the value of the catch and quantitative criteria, but also take into account the ecological damage, which is the damage inflicted in general to the fauna and flora.

[...]

For the proper evaluation of the ecological damage inflicted, a court can enlist the services of the relevant specialist.

[...].

(d) Further documents submitted by the Russian Federation on 24 July 2007 (continued):
Article 8.17 of the Code of Administrative Offences of the Russian Federation (No. 195-FZ of 30 December 2001) (in Russian) (not reproduced)
- English translation

Translation, Original: Russian

CODE OF ADMINISTRATIVE OFFENCES OF THE RUSSIAN FEDERATION

NO. 195-FZ OF DECEMBER 30, 2001

Adopted by the State Duma on December 20, 2001
Endorsed by the Council of Federation on December 26, 2001

...

Chapter 8. Administrative Offenses Concerning Environment Protection and Wildlife Management

...

Article 8.17. Violating the Terms (Standards, Norms) and Conditions of a License Regulating Activities in Internal Sea Waters, or in the Territorial Sea, or on the Continental Shelf and (or) in the Economic Exclusion Zone of the Russian Federation

1. Violating the rules (standards, norms) of safe prospecting, exploration and extraction of mineral (nonliving) resources, or of drilling works, or violating the terms and conditions of a license for water use, for regional geologic research, prospecting, exploration and extraction, as well as the rules (standards, norms) of use or protection of mineral (nonliving) resources of the internal sea waters, or the territorial sea, or the continental shelf and (or) the economic exclusion zone of the Russian Federation -
shall entail the imposition of an administrative fine on officials in the amount of from one hundred to one hundred and fifty times the minimum wage with or without confiscation of the vessel and of other instruments of committing the administrative offence; and on legal entities in the amount of from one thousand to two thousand times the minimum wage with or without confiscation of the vessel and of other instruments of committing the administrative offence.

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2. Violating the rules of catching (fishing) aquatic biological (living) resources and of protection thereof, or the terms and conditions of a license for water use, or of a permit (license) to catch aquatic biological (living) resources of the internal sea waters, or of the territorial sea, or of the continental shelf and (or) the exclusion economic exclusion zone of the Russian Federation -
shall entail the imposition of an administrative fine on citizens in the amount of from half the cost to the full cost of aquatic biological (living) resources, which have become the subject of the administrative offence, with or without confiscation of the vessel and of other instruments of committing the administrative offence; on officials in the amount of from one to one and a half times the cost of aquatic biological (living) resources, which have become the subject of the administrative offence, with or without confiscation of the vessel and of other instruments of committing the administrative offence; and on legal entities in the amount of from twofold to threefold the cost of aquatic biological (living) resources which have become the subject of the administrative offence with or without confiscation of the vessel and of other instruments of committing the administrative offence.