

CHANGES IN THE RF REGULATORY BASE OF THE BUDGETARY PROCESS IN DECEMBER 2013

M.Goldin

In November, the powers of federal executive authorities in the sphere of education were specified. In December, the Administrative Offences Code of the Russian Federation was supplemented by a few elements of administrative offences for which a responsibility for violation of the legislation on state defense order was set.

In November, by Resolution No. 988 of November 2, 2013 on Amendment of Some Statutory Acts of the Government of the Russian Federation as Regards Powers of Federal Executive Authorities in the Sphere of Education powers of federal executive authorities in the sphere of education were specified.

By amendments, responsibilities of a wide range of federal executive authorities for organization of supplementary vocational training of their workers were established.

In December, Federal Law No.326-FZ of December 2, 2013 on Amendment of the Administrative offences Code of the Russian Federation was approved. By the above federal law, the Code was supplemented by a few elements of administrative offences for which a responsibility for violation of the legislation on the state defense order was set. Approval of the federal law was caused by the need to strengthen responsibility of state customers, general contractors (contractors) of the state defense order, as well as their officials.

Amendments provide for responsibility for:

- a failure to comply with the requirements of the legislation as regards mandatory securing of the Federal Anti-Monopoly Service's approval of the decision on carrying out of a closed tender or as regards taking of a decision on placement of an order by means of a closed tender on the terms which are different from those approved by the Federal Anti-Monopoly Service;
- violation of the procedure for determination of the initial (maximum) price of the state contract

on the state defense order or the price of the state contract in placement of a state defense order;

- refusal by a sole supplier (performer, contractor) from entering into a state contract on a state defense order;
- untimely placement of terms of reference of a state defense order;
- violation of the deadlines and procedure for payment for goods (jobs and services) for state needs related to the state defense order;
- violation of the terms of the state contract on the state defense order;
- gross violation of the rules of separate accounting of the results of the financial and economic activities.

In most cases, violation of the above requirements of the legislation entails imposition of fines on officials in the amount of Rb 30,000 to Rb 50,000. However, in case of a failure by an official to comply within the specified period of time with instructions or requirements of the FAS or its territorial unit the legal entity will be brought to responsibility in the form of a fine in the amount of Rb 300,000 to Rb 500,000. The same penalty is imposed on legal entities in case of a refusal by a sole supplier (performer and contractor) to enter into a state contract on the state defense order.

Bringing to administrative responsibility for violation of the legislation in the sphere of the state defense order is administered by the FAS. ●