

Important changes to the Code of Administrative Offenses that came into force in April 2022

On April 6, 2022, amendments to the Code of Administrative Offenses came into force. Under the new rules, fines will be reduced or even replaced with an admonition.
The main goal of the changes is to reduce the administrative burden on businesses.

On April 6, 2022, Federal Law No. 70-FZ of March 26, 2022 ["On Amendments to the Code of the Russian Federation on Administrative Offenses"](#) entered into force.

The changes affected all sections of the Code of Administrative Offenses, and are relevant to all forms of business. In connection with the many incoming questions regarding the application of these amendments in the field of attracting foreign workers to work, we will tell you in more detail what they are.

A legal entity is no longer subject to administrative liability for a violation committed by an official, if the legal entity has taken all the measures established by law (with some exceptions, but violations of migration and labor laws do not apply to it).

Previously, penalty for one violation could be assigned to both a legal entity and an official. Now, if the company has taken all measures to comply with the requirements, but the violation was committed by an official, only the official will be fined.

In addition, now the penalty for small and medium-sized businesses (SMEs) and their employees who have committed an offense for the first time can be replaced by an admonition in the absence of harm or a threat of harm.

Previously, replacement was carried out only at the discretion of the authorized body or court. Now the replacement of a fine with an admonition is established by law and is mandatory.

Also, when imposing a fine on small and medium-sized businesses, including micro-enterprises, a fine is imposed under this article for individual entrepreneurs, and if a fine is not provided for individual entrepreneurs, in the amount of 1/2 of the minimum to 1/2 of the maximum fine for legal entities.

As a result, fines for small businesses have been significantly reduced. In the field of migration and labor law, this applies to all articles where penalties for individual entrepreneurs is separately mentioned – these are penalties under parts 1 and 2 of [Art. 18.16](#) (violation of the rules for attracting foreign citizens and stateless persons to work at retail facilities) and [Art. 5.27](#) and [5.27.1](#) (violation of labor legislation and labor protection).

In addition, if two or more violations are revealed during the control measure, the responsibility for which is provided for by one article, a penalty is imposed for committing one violation; and if two or more violations are provided for by two or more articles of the Code of Administrative Offenses, a penalty is imposed for one violation, for which a more severe penalty is provided.

However, although these innovations relate to any violations identified during one inspection, the note to Art. 18.15 of the Code of Administrative Offenses on liability for illegal employment of each foreign worker has been preserved. There are no official clarifications and judicial practice on how this will be interpreted and applied yet. We will send a request to the authorized bodies with a request for an explanation, and we will inform you as soon as we receive a response.

Previously, there was a separate penalty for each violation.

The changes came into force on 04/06/2022.

Like all abatements in administrative offenses, these changes are retroactive, so they apply to previously committed offenses, if the decision is not issued on the date the change enters into force.

For a detailed explanation, please contact the consultants of the Confidence Group company.

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