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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**FEDERAL SECURITY SERVICE DECREE NO. 544**  
**OF 2 NOVEMBER 2010**  
**OF THE RUSSIAN FEDERATION**

Registered at the Russian Federation Ministry of Justice on 8 November 2010, no. 18902

**FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION DECREE  
no. 544 of 2 November 2010**

**ON THE ISSUING BY FEDERAL SECURITY SERVICE AUTHORITIES OF AN OFFICIAL  
WARNING OF THE INADMISSIBILITY OF ACTIONS CREATING CONDITIONS FOR THE  
COMMITTING OF CRIMES FOR WHICH INQUIRY AND PRELIMINARY INVESTIGATION  
ARE PLACED BY RUSSIAN FEDERATION LEGISLATION WITHIN THE JURISDICTION OF  
THE FEDERAL SECURITY SERVICE AUTHORITIES**

In accordance with Federal Law no. 40-FZ of 3 April 1995 "On the Federal Security Service" (\*) and for the purpose of preventing the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, it is hereby decreed as follows:

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(\*) Compendium of Legislation of the Russian Federation, 1995, no. 15, art. 1269; 2000, no. 1 (part 1), art. 9; no. 46, art. 4537; 2002, no. 19, art. 1794; no. 30, art. 3033; 2003, no. 2, art. 156; no. 27 (part I), art. 2700; 2004, no. 35, art. 3607; 2005, no. 10, art. 763; 2006, no. 17 (part I), art. 1779; no. 31 (part I), art. 3452; 2007, no. 28, art. 3348; no. 31, art. 4008; no. 50, art. 6241; 2008, no. 52 (part I), art. 6235; 2010, no. 31, art. 4207; no. 42, art. 5297.

1. The present decree establishes:

1.1. The procedure for the issuing by federal security service authorities of an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, including the procedure for sending it/handing it over (appendix no. 1).

1.2. The list of categories of heads of federal security service authorities authorised to issue an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities (appendix no. 2).

1.3. The form of the official warning of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities (appendix no. 3).

2. The Inspections Directorate of the Oversight Service of the Federal Security Service of Russia shall, jointly with the Treaty and Legal Directorate of the Federal Security Service of Russia, determine, within three months following the entry into force of the present Decree, which official acts require amendment and organise the preparation of the necessary amendments by the chief sub-divisions of the Federal Security Service of Russia.

3. Supervision of the execution of the present Decree shall be assigned to the Inspections

Directorate of the Oversight Service of the Federal Security Service of Russia.

Director

A. BORTNIKOV

**Appendix no. 1  
to Russian Federal Security Service  
no. 544 of 2 November 2010**

PROCEDURE FOR THE ISSUING BY FEDERAL SECURITY SERVICE AUTHORITIES OF AN OFFICIAL WARNING OF THE INADMISSIBILITY OF ACTIONS CREATING CONDITIONS FOR THE COMMITTING OF CRIMES FOR WHICH INQUIRY AND PRELIMINARY INVESTIGATION ARE PLACED BY RUSSIAN FEDERATION LEGISLATION WITHIN THE JURISDICTION OF THE FEDERAL SECURITY SERVICE AUTHORITIES, INCLUDING THE PROCEDURE FOR SENDING IT/HANDING IT OVER

I. General provisions

1. The present procedure regulates questions relating to the issuing of official warnings to physical individuals of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities (\*).

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(\*) Hereinafter - official warning, security authorities respectively.

2. An official warning may be issued to a physical individual in the absence of grounds for criminal prosecution for the purpose of preventing crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities (\*).

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(\*) Hereinafter - crimes.

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Compliance with the official warnings issued shall be mandatory (\*).

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(\*) indent "d.2" ["r.2" in Russian] of Article 13 and paragraph 3 of Article 13.1 of the Federal Law "On the Federal Security Service".

3. The presence of sufficient and duly and previously confirmed information on specific acts of physical individuals creating conditions for the committing of crimes shall provide grounds for issuing an official warning:

outwardly showing (verbally, in writing or in some other manner) the intention to commit a distinct crime in the absence of any indication of the preparation of the crime or an attempt to commit the crime;

establishing preparations for a crime of minor or medium gravity or directly aimed at the committing of such crimes in the absence of any indication of an attempt to commit the crime

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(\*) Article 30 of the Russian Federation Criminal Code (Compendium of Legislation of the Russian Federation, 1996, no. 25, art. 2954).

II. Preparation and issuing of an official warning

4. Upon receiving information on the committing by a physical individual of actions creating conditions for the committing of crimes, the security authority shall check that information, using the manpower and means of the security authorities.

5. In the event of confirming and documenting information on the committing by a physical individual of specific actions creating conditions for the committing of crimes, and in the absence of grounds for the criminal prosecution of that individual by the security authority having received or established that information, an official warning shall be prepared in duplicate: the first copy to be sent/handed over to the physical individual committing actions creating conditions for the committing of crimes (\*); the second copy to be enclosed with the materials relating to the check in the corresponding case-file of the security authority.

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(\*) Hereinafter - physical individual.

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The text of the official warning must indicate the specific actions of the physical individual creating conditions for the committing of a crime which have been confirmed and documented as a result of checking.

6. The draft official warning, the written statement of findings of the check and other material necessary for examination of the case shall be sent, following written approval in the investigations (\*) and legal departments of the security authority to the head of the security authority empowered to issue an official warning (\*\*).

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(\*) In the case of border authorities - in procedural sub-divisions.

(\*\*) Hereinafter - authorised head.

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After examining the aforementioned material, the authorised head shall forward it for approval to the Investigations directorate of the Russian Federal Security Service and the Deputy Director of the Russian Federal Security Service or the Russian Federal Security Service head with supervisory responsibility.

7. After completing a check on the information received on the committing by a physical individual of actions creating conditions for the committing of a crime which confirms that information, the authorised head shall take a decision, within ten days, as to whether to issue an official warning to that individual.

8. The authorised head shall also take a decision on whether the official warning is to be sent by registered mail with delivery confirmation or handed over in person to the physical individual. Any decision to send the official warning shall be taken with due regard for the real possibility of it being received by the physical individual. Where a decision is taken to hand over the official warning, the authorised head shall determine which security authority officials shall be responsible for handing it over.

Representatives of state authorities, organisations or the public invited by the authorised head may be present when the official warning is handed over to the physical individual.

9. Prior to the sending/handing over of the official warning to the physical individual, the authorised head shall send notice thereof by facsimile to the respective overseeing prosecutor (on a form complying with the model appended) and subsequently send notification by post.

10. The official warning must be sent/handed over to the physical individual no later than five days following the date of taking the decision to issue it.

If, within that period, the official warning has not been sent/handed over to the physical individual, the decision to issue it shall be repealed.

The decision to issue the official warning to the physical individual may be taken again, where repeat or new information is received to the effect that that individual has committed actions

creating conditions for the committing of a crime. In such a case, the decision shall be taken following the procedure established by the present Decree.

11. In the event of the official warning being handed over by security authority staff to the physical individual in person, the second copy of the official warning requires the latter's signature, with an indication of the date on which it was served. In the event of refusal by the physical individual on whom the official warning is being served to append their signature, the security authority official shall make a corresponding note on the second copy. In this case, the text of the official warning shall be read to the physical individual, and the first copy left with them.

If the handing over of the official warning to the physical individual in person was attended by representatives of state authorities, organisations or the public invited by the authorised head, this fact shall be noted by the security authority official on the second copy, with an indication of the surnames, first names and patronymic names of those invited, together with the details of the documents attesting to their identity.

The physical individual shall be informed of their right to appeal against the official warning to a higher security authority, the prosecutor's office or a court.

12. No later than five days following the issuing of the official warning to the physical individual, the security authority shall send a copy thereof and a copy of the statement of findings of the check to the Inspections Directorate of the Oversight Service of the Federal Security Service of Russia.

13. The security authorities shall be represented in judicial proceedings relating to appeals against official warnings issued by legal sub-division staff and legal advisers of the security authorities whose authorised heads took the decision to issue the official warning.

Appendix to  
Procedure (no. 9)

To be prepared on letterhead paper of a federal security service authority

To the Prosecutor \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_,

In accordance with Article 13.1 of Federal Law no. 40-FZ of 3 April 1995 "On the Federal Security Service" we hereby notify you that a decision has been taken to issue an official warning of the inadmissibility of actions creating conditions for the committing of a crime provided for in Article \_\_\_\_ of the Russian Federation Criminal Code to

\_\_\_\_\_  
(surname, first name and patronymic name, date of birth, place of residence)

in connection with the following action committed by them

\_\_\_\_\_  
(brief description of the specific actions committed by the individual)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(official position) (signature) (initials of first name and of patronymic name, surname)

\_\_\_\_ 20\_\_ (date)

**Appendix no. 2  
to Federal Security Service (FSB)  
Decree no. 544 of 2 November 2010**

LIST OF CATEGORIES OF HEADS OF FEDERAL SECURITY SERVICE AUTHORITIES AUTHORISED TO ISSUE AN OFFICIAL WARNING OF THE INADMISSIBILITY OF ACTIONS CREATING CONDITIONS FOR THE COMMITTING OF CRIMES FOR WHICH INQUIRY AND PRELIMINARY INVESTIGATION ARE PLACED BY RUSSIAN FEDERATION LEGISLATION WITHIN THE JURISDICTION OF THE FEDERAL SECURITY SERVICE AUTHORITIES

Director of the FSB of Russia;

deputies of the Director of the FSB of Russia, heads of services of the FSB of Russia and their deputies, heading/supervising sub-divisions of the FSB of Russia, authorised to carry out operational/search activities;

heads and chief administrators of departments, centres and directorates of the FSB of Russia, and of directorates of services and centres of the FSB of Russia, authorised to carry out operational/search activities;

chief administrators of directorates of the FSB of Russia covering individual regions and constituent entities of the Russian Federation;

chief administrators of directorates and heads of department holding equivalent powers of the FSB of Russia within the Armed Forces of the Russian Federation, other forces and military units and their administrative bodies;

heads of the border service directorates of the FSB of Russia.

**Appendix no. 3  
to Federal Security Service (FSB)  
Decree no. 544 of 2 November 2010**

To be prepared on letterhead paper of a federal security service authority

**OFFICIAL WARNING**

of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities

The \_\_\_\_\_  
(title of the federal security service authority)  
has in its possession information indicating that

\_\_\_\_\_ (surname, first name and patronymic name, date of birth, place of residence of the physical individual),

\_\_\_\_\_ (brief description of the specific actions having been/being committed by the individual)

The aforementioned actions create conditions for the committing of the crime provided for in Article \_\_\_\_ of the Russian Federation Criminal Code.

On the basis of the foregoing, and in accordance with indent "d.2" ["r.2" in Russian] of Article 13 and Article 13.1 of Federal Law no. 40-FZ of 3 April 1995 "On the Federal Security Service", and for the purpose of preventing the committing of a crime

\_\_\_\_\_ (surname, first name and patronymic name and date of birth of the physical individual, their Russian Federation citizen's passport series and number)

is hereby issued with an official warning of the inadmissibility of actions creating conditions for the committing of the crime provided for in Article \_\_\_\_ of the Russian Federation Criminal Code.

The present official warning may be appealed against to a higher security authority, the prosecutor's office or a court.

Place of issue

\_\_\_\_\_ (official position) \_\_\_\_\_ (signature) \_\_\_\_\_ (initials of first name and of patronymic name, surname)

\_\_\_\_\_ 20\_\_ (date)

Ref. no. \_\_\_\_\_

\_\_\_\_\_ (signature of the individual issued with the official warning)

\_\_\_\_\_ 20\_\_ (date)



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Russian Federation Federal Security Service Decree no. 286 of 30 June 2011, Moscow, "Amending the Procedure established by Russian FSB Decree no. 544 of 2 November 2010"  
Registered at the Russian Federation Ministry of Justice on 20 July 2011 under no. 21417

The procedure for the issuing by federal security service authorities of an official warning of the inadmissibility of actions creating conditions for the committing of crimes for which inquiry and preliminary investigation are placed by Russian Federation legislation within the jurisdiction of the federal security service authorities, including the procedure for sending it/handing it over, established by Russian FSB decree no. 5441 of 2 November 2010, shall be amended, by adding the words ", the Treaty and Legal Directorate of the Federal Security Service of Russia" to the second paragraph of point 6 after the words "Investigations directorate of the Russian Federal Security Service".

A. Bortnikov, Director

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1 Registered at the Russian Federation Ministry of Justice on 8 November 2010, under no. 18902.