

2.2.5 Russia

Russia being a member of the FATF (but also being a member of Moneyval and the EAG⁶⁵), it implements the FATF recommendations. In Russia, ML is punishable according to Art. 174 and 174.1 of the Criminal Code of the Russian Federation No. 63-FZ of June 13, 1996.⁶⁶ The Russian AML Act is the Federal Law No. 115-FZ of August 7, 2001 “on combating money laundering and terrorist financing”⁶⁷.

Tax crimes as predicate offences to ML have been introduced by virtue of the Federal Law of the Russian Federation No. 134-FZ of June 28, 2013 on amendments to certain legislative acts of the Russian Federation related to combating illicit financial operations. This law came into force on June 30, 2013. Art. 174 and 174.1 Criminal Code were amended by simply cancelling the existing exceptions related to i.a. tax offences.⁶⁸ Hence Russia’s approach when defining the predicate offences to ML has moved from a combination of the threshold approach with the list approach to a pure threshold approach.

The Article read:	The Article now reads:
<p>Article No. 174 of the Criminal Code of the Russian Federation, "Laundering Money or Other Property Acquired by Other Persons through Crime".</p> <p>Performing financial and other transactions with money or other property knowingly acquired by other persons through crime (other than the crimes specified by articles 193, 194, 198, 199, 199.1 and 199.2 of this Code) in order to give a lawful appearance to possession, use and disposal thereof.</p>	<p>Article No. 174 of the Criminal Code of the Russian Federation, "Laundering Money or Other Property Acquired by Other Persons through Crime".</p> <p>Performing financial and other transactions with money or other property knowingly acquired by other persons through crime in order to give a lawful appearance to possession, use and disposal thereof.</p>

⁶⁵ The Eurasian Group (EAG) is the FSRB uniting Belarus, India, Kazakhstan, China, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan, see footnote 17 above and <http://www.eurasiangroup.org/>, accessed on April 3, 2016.

⁶⁶ The whole text of the Russian Criminal Code is available on the website of the OSCE Office for Democratic Institutions and Human Rights ODIHR: <http://legislationline.org/documents/section/criminal-codes/country/7/>, accessed on April 3, 2016. It is unclear whether the online version is updated shortly after an amendment is passed.

⁶⁷ Available in English from <http://fedsfm.ru/en/normative-legal-base>, accessed on April 3, 2016. The online version seems to be outdated since it only includes the updates up to Federal Law No. 275-FZ dated November 28, 2007. All legislation is available in Russian from <http://www.pravo.gov.ru/>, accessed on April 10, 2016.

⁶⁸ See the *Legal Update No. 425, 29 August 2013*, including an updated English version of Art. 174 and 174.1 Criminal Code, published by the law firm Goltsblat BLP, available from <http://gblplaw.com/news/legal/75122/>, accessed on April 10, 2016.