

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary Public

Date: 2/10/2014

GAIN Report Number: RS1409

Russian Federation

Post: Moscow

Fines for Non- and Improper Use of Agricultural Land Increased

Report Categories:

Agricultural Situation

Approved By:

Levin Flake

Prepared By:

Yelena Vassilieva

Report Highlights:

The Russian President, Vladimir Putin, recently signed the Federal Law No. 6-FZ of February 3, 2014 “On Amendments to the Russian Federation Code of Administrative Offences”, which increase fines for non-utilization and improper utilization of agricultural land. The federal law was published in Rossiyskaya Gazeta on February 4, 2014, and comes into force on February 15, 2014.

General Information:

In 2013, Russia adopted several federal legislative acts aimed at ensuring the correct use of agricultural land and its development, including amendments to the Land Code that define terms of land withdrawal (Federal Law No. 123-FZ of June 7, 2013. More information may be found in FAS/Moscow GAIN report [Russian Land Code Amended to Define Terms of Land Withdrawal_7-8-2013.pdf](#)), and the Federal Target Program “Improvement and Development of Agricultural Land in Russia in 2014-2020”. On February 3, 2014, Russian President Vladimir Putin, signed the federal law No. 6-FZ “On Amendments to the Russian Federation Code of Administrative Offences”, which increases fines for non-utilization and improper utilization of agricultural land. The Federal Law No.6-FZ was published in Rossiyskaya Gazeta on February 4, 2014, and comes to force on February 15, 2014. The text in Russian is on the site: <http://www.rg.ru/2014/02/04/zemli-site-dok.html>

In accordance with Amendments to the Code of Administrative Offences, the non-use and the improper use of agricultural land will result in being fined a percentage of the assessed value of the relevant plot of land. The fines for individuals will vary from 0.5 percent to 1.5 percent of the assessed value of the plot, but not less than 3,000 rubles (currently about \$88). For official bodies the fine may vary from 0.5 to 1.5 percent of the assessed value of the plot, but not less than 50,000 rubles (about \$1,471), and for legal entities the fine will be from 2 to 10 percent of the assessed value, but not less than 200,000 rubles (\$5,882), and not to exceed 500,000 rubles (\$14,706). These fines are increases from previous levels. The amendments will not affect owners of private households, dachas and small orchards.

The list of criteria for non-/improper use of agricultural lands was adopted by the Resolution of the Russian Government No. 369 of April 23, 2012 (<http://www.rg.ru/2012/04/28/zemlya-dok.html>).

Failure to use agricultural land is defined on the basis of one of the following:

- Arable land is not used for the cultivation of crops and soil tillage;
- Hay mowing is not done on hayfields;
- The presence of weeds in cultivated hayfields exceeds 30 percent of the land area;
- Grazing is not performed on pastures;
- On fields with perennial crops the work of the caring for and harvesting of perennial crops is not done nor the removal of dead perennial plants is done;
- Reforestation and (or) growth of bushes on arable land is more than 15 percent of the land area;
- Reforestation and (or) growth of bushes on other types of agricultural land is more than 30 percent;
- Weedy or grassy bunches/mounds and (or) waterlogging cover more than 20 percent of the land area.

According to the Ministry of Agriculture, 37.4 million hectares of agricultural land in Russia is not currently cultivated, which is 17 percent of Russia’s total agricultural land (220 million hectares). The drafters of amendments to the Code of Administrative Offences expect that the increased fines will stimulate business, officials and juridical persons to either develop agriculture on the land that they own, or to lease non-used land to other agricultural producers. <http://agronews.ru/news/detail/131555/>.

Meanwhile, some analysts doubt that the increased fines will significantly contribute to developing agriculture on land that has not been cultivated already for many years. The recovery of this land requires significant investment, professional management and manpower which are typically lacking in regions where most of improperly used lands are located. These analysts also warn that these fines could be incorrectly applied to successful agricultural producers who for some reasons do not cultivate part of

their agricultural land. In addition, these analysts warn that higher fines may increase field fires, because farmers could increase burning of plant residues, weeds, shrubs, etc. in order to avoid fines, instead of applying safe but more expensive cultivation practices.

The unofficial translation of the Federal Law No.6-FZ of February 3, 2014, and information on the original text of the Code that was amended by the FZ 6 is given below.

Begin unofficial translation

Federal Law of the Russian Federation dated February 3, 2014 N 6 -FZ
"On Amendments to the Code of Administrative Offences"
Adopted by the State Duma on January 24, 2014
Approved by Federation Council on January 29, 2014

To amend the Russian Federation Code of Administrative Offences (Collected Legislation of the Russian Federation, 2002, N 1, p. 1; N 44, Art. 4295, 2003, N 46, Art. 4434; N 50, Art. 4847, 2004, N 34, Art. 3533; N 44, Art. 4266, 2005, N 1, Art. 13, 40; N 10, Art. 762; N 30, Art. 3131; N 52, Art. 5574, 2006, N 1, Art. 4; N 2, Art. 172; N 6, p. 636; N 19, Art. 2066; N 45, Art. 4641; N 50, Art. 5281; N 52, Art. 5498, 2007, N 16, Art. 1825; N 26, Art. 3089, 2008, N 20, Art. 2259; N 52, Art. 6235, 6236, 2009, N 29, Art. 3597, 2010, N 1, p. 1; N 19, Art. 2291; N 31, Art. 4193, 2011, N 1, Art. 23, 47; N 19, Art. 2714; N 47, Art. 6602; N 50, Art. 7362, 2012, N 24, art. 3082; N 31, Art. 4320; N 47, Art. 6403, 6404, 6405; N 53, Art. 7602, 2013, N 14, Art. 1666; N 19, Art. 2323; N 26, Art. 3207, 3208, 3209; N 27, Art. 3469, 3477; N 30, art. 4025,4029,4031, 4040; N 31, Art. 4191; N 44, Art. 5624; N 48, Art. 6163; N 49, Art. 6343; N 51, Art. 6683, 6696, Rossiyskaya Gazeta , 2013, December 30) as following:

1. Part 3 of Article 3.5 , after the words "the value of the stolen property," to add the words "in accordance with part 11 of article 8.8 of the Code, shall not exceed five thousand rubles,";
2. The paragraph of the second part 11 of Article 8.8 to read as following:
" punishable by an administrative fine on citizens in the amount of 0.3 to 0.5 percent of the cadastral value of the land, which is the subject of an administrative offense, but not less than three thousand rubles; for officials - from 0.5 to 1.5 percent of the cadastral value of land, which is the subject of an administrative offense, but not less than fifty thousand rubles; for legal entities - from 2 to 10 percent of the cadastral value of the land, which is the subject of an administrative offense, but not less than two hundred thousand rubles.";
3. Part 1 of Article 23.15, after the words "including the reclaimed land)," to add the words "Part 11 of Article 8.8."

President of the Russian Federation

V. Putin

End unofficial translation