

# Amendments to the Legislation on State Control (Supervision) and Municipal Control



ALRUD



Dear Colleagues,

Please be informed of the adoption of significant amendments to Federal Law No. 248-FZ dated July 31, 2020 On State Control (Supervision) and Municipal Control in the Russian Federation (“248-FZ”), introduced by Federal Law No. 540-FZ dated December 28, 2024. The new rules on state control are effective as of **December 28, 2024** (except for certain provisions).



## New Grounds for Unscheduled Monitoring Activities

248-FZ carried over one of the grounds for unscheduled monitoring activities from the list included in Decree of the Government of the Russian Federation No. 336 dated March 10, 2022, and also established new grounds for unscheduled monitoring activities (including inspections):

- ❑ the existence of a **risk indicator**;
- ❑ avoidance of a mandatory **preventive visit**;
- ❑ conducting business activities without submitting information for registration to the “Chestny Znak” system, if it is mandatory to do so.

Regarding labour relations, please focus on the first two points.

We recall that from 2022 through 2024, the expanded list of grounds for unscheduled monitoring activities from the above-mentioned Government Decree, which provides, inter alia, the following, was in effect as a matter of priority:

## Unscheduled monitoring activities in coordination with the Prosecutor's office

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The State Labour Inspectorate has information that an **employee's life** or **health is** in danger or has already suffered physical harm\*

*\*Note that a State Labour Inspectorate inspector may consider a non-payment or even a delay in paying salary as a threat to the life or health of an employee, since salary is considered the main source of an employee's livelihood.*

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At least 10 employees or 10% of the total number of the employer's personnel have filed a complaint with the State Labour Inspectorate about **delayed** or **unpaid salary**

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The employer has been identified as exhibiting one or more **risk indicators** of labour law violation\*

*\*For example, a reduction in payroll for a quarter by 80% or more, provided that the number of the employer's employees does not decrease during this period; or the company's interaction with more than 35 self-employed persons with an average monthly income from the company of over RUB 35,000 and having worked with the company for over 3 months.*

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The fact of dissemination (**leakage**) of **personal data** on the Internet\* has been established

*\*Roskomnadzor will conduct the inspection*

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Since the Russian Government has not yet extended its list, State Labor Inspectorate inspectors must apply grounds from the law.

## Unscheduled monitoring activities not coordinated with the Prosecutor's office

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The President of the Russian Federation, the Chairman of the Government of the Russian Federation, or his/her deputy, or a prosecutor who has information about a violation of an employees' rights has given the corresponding **instruction** to conduct an unscheduled monitoring activity

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The fulfillment of any previously issued **order to eliminate violations** must be verified



## The Inclusion of Mandatory Preventive Visits in the Monitoring (Supervision) System

Prior to the legislative changes, preventive visits were listed as purely advisory activities, during which the inspector performed an explanatory function.

Preventive visits are categorized into:

- ❑ **voluntary** (conducted only at the request of the auditee, i.e., a budgetary institution, socially oriented non-profit organizations belonging to small businesses), which can be waived;
- ❑ **mandatory**, which may only be carried out when there is a legitimate reason to do so, for example, after notifying of the start of entrepreneurial activity or by instruction of the President of the Russian Federation.

As previously stated, evasion of a mandatory preventive audit is defined as one of the **grounds** for conducting a **monitoring activity** in respect of a monitored entity.

The mandatory preventive visit lasts for **10 business days** (it can be extended for the period required for expert examination or testing), the inspector will have the right to conduct an inspection, sampling, instrument examination, testing, expert examination, document request, and issuance of a prescription.



## The Frequency of Mandatory Preventive Visits Depends on the Risk Category (Not Just the Frequency of Scheduled Monitoring Activities)

### Frequency

### Risk category

No less than 1, no more than 2 scheduled monitoring activities per year

**Extremely high-risk** entity

1 scheduled monitoring activity per 2 years or 1 mandatory preventive visit per year

**High-risk** entity

The frequency of mandatory preventive visits, including those for certain types of monitoring, is determined by the Government of the Russian Federation

**Significant-, medium-, or moderate-risk** entity



## Orders on the Elimination of Violations: Issuance and Conclusion of an Agreement on Proper Elimination Thereof

Orders on the elimination of violations will only be issued for violations that are **not corrected during a monitoring activity or preventive visit**.

The details of such an order are elaborated as such: it must contain a **description of each violation** identified, an elimination **deadline**, a list of **recommended elimination measures** and **recommended information** to be submitted as **proof of elimination**.

248-FZ provides for the possibility, in the event of a violation of the mandatory requirements, to conclude **agreements** between the monitored entity and the supervisory authority on **“proper elimination”**. As stipulated, such agreements are concluded if the elimination of the violations requires significant time and material costs and to **prevent the mass layoff of employees**.

Under the agreement, the “violator” undertakes to eliminate the violations, and the supervisory authority undertakes to suspend the order. The procedure for concluding the agreement and the range of persons who can rely on it are to be determined by the Government of the Russian Federation.

At the same time, the monitored entity has no right to **unilaterally** refuse to execute the agreement.

The monitoring (supervisory) authority will perform a step-by-step assessment of the monitored entity’s fulfillment of the agreement and will make the decision to cancel the order after the monitoring entity has fulfilled the agreement.



## Denying Inspectors Access to the Locations or Documents to Be Monitored

248-FZ includes the right of a monitored entity not to admit the inspector in or not to provide him/her with documents or to prevent other measures involved in the monitoring activities if the documents issued by the monitoring body **lack or bear an incorrect two-dimensional bar code** with a link to the monitoring activity page in the Unified Register of Monitoring Activities.

The exception to this is if **no decision to conduct the activity is required** prior to the start of the activity (e.g., for a monitoring activity not requiring interaction, i.e., an observation or on-site survey).



## New Rules for Pre-Trial Consideration of the Complaints of Monitored Entities

The list of things that can warrant complaints has been supplemented with decisions on conducting mandatory preventive visits and on categorizing the objects of monitoring as risky.

As a rule, a complaint should be considered within **15 business days** from the date of its submission in the pre-trial appeal subsystem. However, 5 business days are allocated to process an application contesting the risk category. There is no possibility of extending the deadlines.

Previously, any complaint was considered no later than 20 business days from the date of its submission. In exceptional cases, the deadline could be extended for an additional 20 days.

Keep in mind that a **complaint against a decision** of a supervisory body is to be filed within 30 calendar days of the day when the monitored entity learned or should have learned about the violation of its rights, and a **complaint against a prescription** – within 10 business days of the date the prescription was received.



## Assigning a Public Rating on Compliance Mandatory Requirements to Companies

The assessment will depend on the outcome of the **preventive visit** or **monitoring activity**. It is introduced to apply measures to **stimulate the integrity** of the monitored entities and to **raise awareness** among citizens and organizations of the compliance of the monitored entities with mandatory requirements.

The procedure and criteria for making an assessment is established in the regulation on the type of monitoring. The same applies to the rules by which companies can **inform third parties** of their assessment.



## Digitalization of the Monitoring Activities

It is envisaged that both authorities and the monitored entities will use the **“Inspector” mobile app** to complete a variety of tasks, primarily those to be performed during **remote** on-site inspections, raid inspections, and inspection visits.

At the same time, in some cases, remote monitoring activities may not be coordinated with the prosecutor's office – such cases may be determined by the Government of the Russian Federation in coordination with the General Prosecutor's Office.



## Indication in Warnings of the Time Limits for Resolving the Consequences of Those Actions (Inaction) of the Monitored Entity Which May Lead to a Violation of the Requirements

Please note that before the amendments were introduced, the requirements for the content of the warnings did not include any **time limits**, which caused disputes to arise over the speed of response to such warnings.



Finally, recall that President Vladimir Putin has proposed to **lift the moratoria** on business inspections from 2025 and follow a **risk-based approach**. As such, we do not rule out the sudden abolition of the moratoria.

To be prepared and minimize the risks of a monitoring activity, we recommend conducting an HR audit of all key labour-relations processes (including conclusion, amendment, and termination of employment contracts, remuneration, discipline, processing of personal data, occupational health and safety, and work and rest regime).

The experts at **ALRUD Labour Practice** are ready to provide all necessary legal assistance and support both for **HR audits** and **monitoring activities** undergone by a company, as well as **appeals** against any actions of the monitoring authorities.

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