August 1, 2013  № 40-ОZ

**LAW**

**OF THE RYAZAN REGION**

**ON THE BUSINESS OMBUDSMAN**

**OF THE RYAZAN REGION**

Adopted by

the Ryazan Region Duma

July 17, 2013

Article 1. The scope of the present Law

The present Law defines the legal status of the business ombudsman in the Ryazan Region (hereinafter referred to as the Ombudsman), the appointment and termination procedure, the scope of functions and the main objectives.

Article 2. The legal status of the Ombudsman

1. The position of Ombudsman is established in order to guarantee state protection of the rights and legitimate interests of entrepreneurs and observance of the specified rights by governmental authorities of the Ryazan Region and public authorities of the Ryazan Region (hereinafter referred to as the governmental authorities of the Ryazan Region), local offices of federal executive authorities of the Ryazan Region, local authorities of municipal formations of the Ryazan Region, other agencies and organizations that, in accordance with the federal law, possess certain governmental or public authority, and their officials.

Part 2 of Article 2 comes into effect of January 1, 2014 ([Part 2 of Article 17](#Par140) of the present document).

2. The position of Ombudsman is a public office of the Ryazan Region.

3. The location of the Ombudsman is the city of Ryazan.

Article 3. Legal basis of the Ombudsman’s activity

The Ombudsman is governed by the Constitution of the Russian Federation, federal constitutional laws, federal laws, other laws and regulations , generally accepted principles and norms of international law, treaties concluded by the Russian Federation, the Statute (Basic Law) of the Ryazan Region, laws of the Ryazan Region, the present Law, as well as other laws and regulations of the Ryazan Region.

Article 4. Principles of the Ombudsman’s activity

1. The Ombudsman’s activity is based on the principles of independence, justice, initiative, responsibility, humanity, openness, objectivity and availability, as well as interaction with public authorities of the Ryazan Region, local offices of federal executive authorities of the Ryazan Region, local authorities of municipal formations of the Ryazan Region, their officials, envoys of the President of the Russian Federation in federal districts, investment ombudsmen in federal districts.

2. The Ombudsman does not have the right to disclose private information about complainants and other persons, which became known to him/her through his/her activity of protection of the rights and legitimate interests of entrepreneurs.

Article 5. The main objectives of the Ombudsman

The main objectives of the Ombudsman are the following:

1) to protect the rights and legitimate interests of entrepreneurs;

2) to assist in redressing violation of entrepreneurs’ rights and legitimate interests;

3) to provide legal education for entrepreneurs;

4) to assist in improving business and investment climate in the Ryazan Region;

5) to organize interaction with the business community and develop interregional cooperation in the sphere of protection of the rights and legitimate interests of entrepreneurs;

6) to inform the public in the Ryazan Region about the legal situation of entrepreneurs on the territory of the Ryazan Region;

7) to assist in developing social institutions aimed at protection of the rights and legitimate interests of entrepreneurs.

Article 6. Requirements to applicants for the position of Ombudsman

A person appointed to the position of Ombudsman must be a citizen of the Russian Federation, who has reached the age of thirty, resident of the Ryazan Region, with higher education and work experience in the sphere of business no less than 5 years.

Article 7. The procedure of appointing to the position of Ombudsman

1. The Ombudsman is appointed by the Governor of the Ryazan Region, upon consultation with the Business Ombudsman under the President of the Russian Federation and with due consideration to the opinion of the business community, for a period of five years.

The opinion of the business community is considered according to the procedure established by the decree of the Governor of the Ryazan Region.

2. The Ombudsman takes office from the day on which the assignment decree of the Governor of the Ryazan Region comes into effect.

3. The expiration of the term of the Governor of the Ryazan Region, as well as early termination, doesn’t entail termination of the Ombudsman’s appointment.

4. The same person cannot be appointed the Ombudsman for more than two consecutive terms.

Article 8. Restrictions and prohibitions concerning assignment to the public position of Ombudsman

Restrictions and prohibitions concerning assignment to the public position of Ombudsman are defined by the federal legislation and the legislation of the Ryazan Region.

The Ombudsman is obliged to cease activities which are incompatible with the status, no later than ten days after the assignment date.

Article 9. Termination of the Ombudsman’s appointment

1. The Ombudsman’s appointment is terminated from the moment when a newly appointed Ombudsman takes office.

2. Early termination of the Ombudsman’s appointment takes place in the following cases:

1) a letter of resignation;

2) non-observance of restrictions and prohibitions defined by the federal legislation and the legislation of the Ryazan Region for persons assigned for public positions of the Ryazan Region;

3) nonperformance or improper performance of his/her functions and duties;

4) his/her death.

3. In case of early termination of the Ombudsman’s appointment, the new Ombudsman must be appointed within two months of the termination of the previous Ombudsman’s appointment, according to the procedure defined in [Article 7](#Par51) of the present Law.

4. In cases, stipulated in [Clauses 1](#Par68) - [3 of Part 2](#Par70) of the present Article, early termination of the Ombudsman’s appointment is executed by the Governor of the Ryazan Region upon the recommendation of the Business Ombudsman under the President of the Russian Federation or with his/her consent.

Article 10. The scope of functions of the Ombudsman

1. The Ombudsman, to achieve the specified objectives, performs the following functions:

1) considers complaints of entrepreneurs registered by the authority that performs state registration on the territory of the Ryazan Region, and complaints of entrepreneurs whose rights and legitimate interests have been violated on the territory of the Ryazan Region (hereinafter referred to as Complainants), concerning decisions or actions (omissions) of governmental authorities of the Ryazan Region, local offices of federal executive authorities of the Ryazan Region, local authorities, other agencies and organizations that, in accordance with the federal law, possess certain governmental or public authority, and officials, which infringe rights and legitimate interests of entrepreneurs;

2) executes, within his/her functions, orders of the Business Ombudsman under the President of the Russian Federation, by request of the latter, provides information about infringement of rights and legitimate interests of entrepreneurs, and measures taken to protect them;

3) collects, studies and analyses data concerning assurance and protection of rights and legitimate interests of entrepreneurs on the basis of the materials provided by governmental and local authorities of the Ryazan Region, claims, and media reports, consolidates complaints and other kinds of recourse from entrepreneurs;

4) prepares annual reports about the activity of the Ombudsman, reports on issues related to observance of rights and legitimate interests of entrepreneurs.

2. The Ombudsman, to achieve the specified objectives, has a right to do the following:

1) to request and receive the necessary information, documents and materials from governmental authorities of the Ryazan Region, local offices of federal executive authorities of the Ryazan Region, local authorities, other agencies and organizations that, in accordance with the federal law, possess certain governmental or public authority, and officials;

2) to file a petition in court seeking declaration of invalidity of non-regulatory acts, decisions or actions (omissions) of governmental authorities of the Ryazan Region, local authorities, other agencies and organizations on the territory of the Ryazan Region that, in accordance with the federal law, possess certain governmental or public authority, and officials, in case the contested non-regulatory act, decision or action (omission) is inconsistent with a law or any other regulatory act, and infringes rights and legitimate interests of entrepreneurs in the sphere of business, illegally imposes duties on them, or creates other obstacles for business activity;

3) to forward reasoned proposals concerning adoption of regulatory acts (amendments to regulatory acts or their annulments), related to the scope of activities of the Ombudsman, to governmental authorities of the Ryazan Region, local authorities;

4) to forward reasoned proposals concerning annulment or suspension of acts adopted by the Government of the Ryazan Region to the Governor of the Ryazan Region;

5) to take part, with the written consent of the Complainant, in field check on the Complainant, conducted as part of state control (supervision) or municipal control;

6) to take part in the meetings of the Ryazan Region Duma and its working bodies, collegial executive governmental bodies of the Ryazan Region, concerning protection of rights and legitimate interests of entrepreneurs, in accordance with the procedures of the aforementioned bodies;

7) to interact with the Business Ombudsman under the President of the Russian Federation, governmental authorities, local authorities, business community, public associations and organizations in the sphere of assurance and protection of the rights and legitimate interests of entrepreneurs;

8) to approach holders of the right of legislative initiative with proposals to make amendments to the federal legislation, the legislation of the Ryazan Region, concerning improvement of the business legislation;

9) to do other things within the scope of his/her functions, in accordance with the federal legislation and the legislation of the Ryazan Region.

Article 11. The Ombudsman’s expert, advisory and community boards, public assistants

1. The Ombudsman has a right to create expert, advisory and community boards, working groups and other consultative bodies in the form of public service, and to involve representatives of the business community, public organizations, governmental and local authorities in their activities.

2. The Ombudsman has a right to appoint, taking into consideration the opinion of public entrepreneurs' organizations, public assistants (representatives) in municipal formations of the Ryazan Region and public assistants (representatives) for specific directions, who will operate as a public service and assist in performing his/her functions on the territory of the Ryazan Region.

3. The regulations on public assistants are approved by the Ombudsman.

4. Public assistants of the Ombudsman cannot be public or municipal servants, persons holding public office.

Article 12. The Ombudsman’s employee guarantees Гарантии деятельности уполномоченного

The Ombudsman’s employee guarantees related to remuneration of labor, to healthcare, social security and other benefits are defined by the Law of the Ryazan Region “On the status of persons holding public office in the Ryazan Region”, as well as other laws and regulations of the Ryazan Region.

Article 13. Submission of complaints to the Ombudsman

1. Complaints can be submitted by Complainants who believe that their rights and freedoms have been infringed by governmental authorities of the Ryazan Region, local offices of federal executive authorities of the Ryazan Region, local authorities of municipal formations of the Ryazan Region, and other agencies and organizations on the territory of the Ryazan Region that, in accordance with the federal law, possess certain governmental or public authority, or their officials.

A complaint is submitted to the Ombudsman in writing or in electronic form via the Internet.

2. The Ombudsman decides whether to accept or to reject a complaint within ten days after its receipt, of which he/she notifies the Complainant within three days. From then on the Ombudsman notifies the Complainant about the results of the measures taken to redress violation of the latter’s rights and legitimate interests no less than once in two months.

3. The Ombudsman sends to the Complainant a reasoned refusal to accept the complaint, if there is the Complainant’s mailing address and (or) e-mail address in the complaint, in case the following reasons take place:

1) the text of the complaint submitted in writing is illegible;

2) the complaint only contains the issue, in relation to which the Complainant has already received multiple pertinent answers in writing from the Ombudsman as a response to previously submitted complaints, and the complaint does not provide any new circumstances on this issue;

3) a pertinent answer to the issue of the complaint cannot be given without disclosure of information classified as state secret or any other information protected by the federal law;

4) a similar complaint has already been considered by an Ombudsman in another constituent entity of the Russian Federation. In case, after accepting the complaint, the Ombudsman finds out that a similar complaint is already being considered by an Ombudsman in another constituent entity of the Russian Federation, the complaint is left without further consideration and is returned to the entrepreneur.

4. In case the complaint submitted for consideration by the Ombudsman does not contain the surname, the name, the patronymic (if applicable) and (or) the mailing address or the e-mail address of the Complainant, the complaint is not subject to consideration.

Article 14. Consideration of complaints by the Ombudsman

1. The Ombudsman considers entrepreneurs’ complaints, including complaints submitted by the Business Ombudsman under the President of the Russian Federation, in accordance with the requirements of the federal legislation and the procedure for consideration of complaints, developed and adopted by the Ombudsman.

In case of determination of infringement of the Complainant’s rights, the Ombudsman must send the Complainant an explanation about the forms and means of protection of rights and (or) take measures for their protection in accordance with the current legislation, orders of the Business Ombudsman under the President of the Russian Federation, and within the scope of functions defined by the present Law.

2. Heads and other officials of governmental authorities of the Ryazan Region, local offices of federal executive authorities of the Ryazan Region, and of local authorities must ensure the reception of the Ombudsman and provide to him/her the requested information, documents and materials within a period not exceeding fifteen days from the day the request was made.

Article 15. Informing about the activity of the Ombudsman

1. Upon the end of the calendar year, but no later than on March 1 of the year following the reporting year, the Ombudsman sends the annual report to the Governor of the Ryazan Region, the Ryazan Region Duma, and the Public Chamber of the Ryazan Region, which contains information about the legal situation of entrepreneurs on the territory of the Ryazan Region, with proposals for its improvement, and about his/her activity in this sphere.

2. The annual report of the Ombudsman, as well as reports on issues related to observance of rights and legitimate interests of entrepreneurs, prepared by the Ombudsman in accordance with [Clause 4 Part 1 of Article 10](#Par81) of the present Law, are to be officially published and posted on the official website of the Government of the Ryazan Region on the Internet.

3. Upon the end of the calendar year, the Ombudsman sends information to the Business Ombudsman under the President of the Russian Federation concerning the results of his/her activity, containing estimation of business conditions in the Ryazan Region, and proposals for improvement of the legal situation of entrepreneurs.

Article 16 comes into effect of January 1, 2014 ([Part 2 of Article 17](#Par140) of the present document).

Article 16. Support of the activity of the Ombudsman

1. Legal, organizational, staffing, material, information and analytical, document support of the activity of the Ombudsman is provided by the Government Office of the Ryazan Region.

2. The activity of the Ombudsman is financed out of the funds stipulated by the Ryazan Region Law on the regional budget for the ensuing financial year and planning period for the Government of the Ryazan Region for supporting the activity of the Ombudsman.

3. The Ombudsman is to be provided with the documents adopted by the governmental authorities of the Ryazan Region which are related to the scope of issues under his/her control.

Article 17. Coming into effect of the present Law

1. The present Law comes into effect ten days after the date of its official publication, except [Part 2 of Article 2](#Par24) and [Article 16](#Par131) of the present Law.

2. [Part 2 of Article 2](#Par24) and [Article 16](#Par131) of the present Law come into effect on January 1, 2014.

Governor of the Ryazan Region

O.I. KOVALYOV

August 1, 2013

№ 40-ОZ