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Online classifieds: legislative changes

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Introduction

On 1 March 2023, article 10.7 of the Obligations of the owner of classifieds (the amendment) amended Federal Law No. 149-FZ dated 27 June 2006 (On Information, Information Technologies and Information Protection). According to the amendment, an "online classified" is a website on the internet, information system and/or computer programme that is intended or used to organise the interaction of their users with each other. These interactions are for the purpose of buying and selling, and bartering and transferring movable and immovable property for:

- general use;
- performing work;
- providing services;
- searching for a suitable job; and
- selecting of necessary employees.

Obligations for owners of online classifieds

Foreigners cannot own online classifieds in Russia. Russian citizens who do not have the citizenship of another country, a Russian legal entity or an organisation under the authority of Russia, a constituent entity of Russia, or a Russian citizen can own such websites, according to the amendment.

The amendment establishes obligations for the owners of such resources, access to which is more than 100,000 users per day. The owner of the online classifieds should install one of the electronic computer programmes proposed by Roskomnadzor, designed to determine the number of users of an information resource on the internet.

The Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor) maintains a register of the online classifieds and their monitoring. If access to the service for three months in a year is less than one hundred thousand users, it can be excluded from the register at the request of the owner.

The owner of the online classifieds must place an e-mail address on the service for sending legally significant messages and ensure the integration and interaction of the service with the Unified State Services Portal (the State Services).

It follows from Resolution No. 672, dated 28 April 2023, that integration will create an opportunity for online classifieds to transfer information about the sale, lease, job search, hiring employees and the provision of services to the State Services portal. The information can be used in the formation of applications for the provision of public services. It also clarifies that the integration with the State Services portal can be used to send notices from the user to the owner of an online classified documents and court. Separately from the ways of integration with State Services, the document notes the procedure for interaction with State Services: online classifieds must perform the entrance through the system with transferring the user's personal data.

The ability to send information about transactions to the State Services portal is not as valuable for online classifieds as, on the contrary, the ability to receive documents through its infrastructure. This makes it possible to verify a user, enrich their profile and gain knowledge about them from the side of the online classified.

The owner of an online classifieds service must not allow the use of such a service for the purpose of committing criminal acts, disclosing information constituting state secrets, distributing materials containing public calls for terrorist activities, materials promoting pornography, violence and cruelty, and materials containing obscene language.

If information distributed in violation of the law is found on the online classifieds, the Roskomnadzor will apply to court to restrict access to the online classified for the owner that fails to comply with mandatory requirements.

Violation of the established requirements by an owner of the online classified entails criminal, administrative or other liability in accordance with the law.

Comment

The average monthly online classifieds audience now stands at 57 million people. Almost half of Russian citizens use online classifieds. When trying to regulate this market, the government should proceed with extreme caution. The amendment foresees all the necessary aspects of regulation and makes the online classifieds fall in line in accordance with the above-mentioned standards in Russia. The practice should show an efficiency of the regulation of online classifieds under the amendment.

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