


**FEDERAL STATE AUTONOMOUS INSTITUTION OF HIGHER EDUCATION
"MOSCOW STATE INSTITUTE OF INTERNATIONAL RELATIONS (UNIVERSITY) OF
THE MINISTRY OF FOREIGN AFFAIRS RUSSIAN FEDERATION".**

**B.A. in Government and International Relations
School of Government and International Relations**

Department of Constitutional Law

**«Approved»
Director of School of Government and International Affairs**

Y. Vaslavskiy

 «16» *april* 2017

**The education programme of the course
The Financial Law
Government and International Relations
(41.03.05: School of Government and International Relations)**

**The Programme «Government and International Relations»
(code - Б 029)**


**Qualification - The bachelor
The form of study - full-time education**

^{1..}
The course program developed by Professor. Anna V. Shashkova and Professor Elena A.
Kremyanskaya, 2016
© A.V. Shashkova, E.A. Kremyanskaya 2017
© MGIMO-University, 2017

The course "The Financial Law" is elaborated in accordance with the MGIMO Educational Standard for the Bachelor's Program in International Affairs (program track "Government and International Affairs").


Authors Professor Anna V. Shashkova, Professor Elena A. Kremyanskaya



Director of the MGIMO library  Marina Reshetnikova

The program is approved by Department of the Constitutional Law

Head of Department of the Constitutional Law
Professor Inna A. Rakitskaya



PART 1. COURSE DESCRIPTION AND TEACHING METHODS

1.1 The place and role of the course in the overall curriculum:

The course "The Financial Law" is intended to provide knowledge on the Russian financial law in comparison with the UK & the USA financial law. An emphasis is placed on the following matters: violations at the securities market, including insider dealing, anti-money laundering procedures & bribery.

- Type of course: Compulsory
- Level of course: B.A.
- Year of study: 4th
- Number of ECTS credits allocated: 4
- Name of lecturers and office hours:

Professor Anna V. Shashkova

Associate Professor of the Chair of Constitutional Law of MGIMO-University

Candidate of Law

Moscow Region Bar Lawyer

Honorary Consul for St. Vincent and the Grenadines

Phone: 8-495-434-9449, e-mail: a.shashkova@inno.mgimo.ru

Professor Elena A. Kremyanskaya

Associate Professor of the Chair of Constitutional Law of MGIMO-University

PhD in Law

Member of Advisory Board of the Council of the Federation Committee on Constitutional Legislation, Legal and Judicial Affairs and Civil Society Development

Phone: 8-495-434-9449, e-mail: elena.kremyanskaya@gmail.com

1.2 The course goals and objectives:

The main goal of the course is to provide students with fundamental knowledge of the Russian financial law in comparison with the UK & the USA financial law.

Course objectives are:

1. To introduce students to recognise the nature and legal control over activities that may destabilise securities markets.

2. To orient students towards the nature and legal control over money laundering.

3. To introduce basics of compliance with FCPA and UK Bribery Law.

Learning outcomes:

The basic principle of the course is interactive participation of students in getting fundamental knowledge on Russian financial law in comparison with the UK & the USA financial law.

Classes are generally held to enhance motivation & initiative in learning Russian financial law.

Teaching methods used include interactive lectures, discussions, team work, case analyses. The course emphasizes a problem solving approach.

By the end of this course students shall be able to:

1. Recognise the nature and legal control over activities that may destabilise securities markets.

2. Recognize the nature and legal control over money laundering.

3. Identify compliance risks in multinational environment and

1.3 Course requirements:

Students shall attend at least 90% of classes and be prepared for discussion classes. Conscientious reading of the assigned materials is compulsory. Students shall also get acknowledged with the following legal acts & literature:

1. A. Shashkova Study Manual on the Bases of Russian Law. Cambridge Scholars Publishing. – 2015.
2. The Criminal Code of the RF No.63-FZ, dated 13 June 1996.
3. The Code for Administrative Violations of the RF No.195-FZ, dated 30 December 2001.
4. The Federal Law No.39-FZ “On the Securities Market”, dated 22 April 1996.
5. The Federal Law No.115-FZ “On Counteraction of the Money Laundering of the Income from Illegal Sources and Terrorist Financing”, dated 7 August 2001.
6. U.S. Foreign Corrupt Practices Act 1977
7. U.K. Bribery Act 2011

Grading plan:

- Class participation – 30%
- Multiple Choice Questions - 40%
- Essay – 20%
- Essay presentation – 10%

PART 2. COURSE CONTENTS

2.1 Types of work

Types of work	Academic hours
Total	72
Total for lectures, seminars and written exam	32
Lectures	16
Seminars	16
Homework	40
Essay	12
Preparation for lectures, seminars	28

2.2 Course outline

Course Outline	Academic hours			
	Lectures	Seminars	Homework	Academic hours per topic
Topic 1 Fraudulent Behavior at Securities Market	4	4	20	36
Insider Dealing	2	2	5	9
Price Manipulation & other Offences	2	2	5	9
Topic 2 The Nature and Legal Control over Money Laundering	4	4	10	18
The Offence of Money Laundering	2	2	5	9
Instruments to Control Money Laundering	2	2	5	9
Topic 3 Compliance	4	4	20	36
Definition, Approaches, Identification of Compliance risks	2	2	5	9
Building of Effective Compliance System.	2	2	5	9
Topic 4 Anticorruption Compliance	4	4	10	18
U.S. Law : FCPA, Sarbanes Oxley Act, Dodd-Frank Act	2	2	5	9
U.K. Bribery Act 2011. Legislation in Russia	2	2	5	9

2.3. COURSE CONTENTS

Topic 1 « Fraudulent Behaviour at Securities Market».

Lecture 1.1 «Insider Dealing».

Summary: Types of Insiders, Offences in Inside, Defenses for Inside, Liability for the Insider Dealing.

Seminar 1.1 «Insider Dealing».

Lecture 1.2 «Price Manipulation & other Offences».

Summary: General violations at the Securities' Market, Specifics of Price manipulation, Other offences at the Securities' Market, Liability for Price Manipulation at the Securities' Market.

Seminar 1.2 «Price Manipulation & other Offences».

Reading list for Topic 1:

Essential Readings:

- Shashkova A. Study Manual on the Bases of Russian Law. Cambridge Scholars Publishing. – 2015.

Official sources:

- The Criminal Code of the RF No.63-FZ, dated 13 June 1996.
- The Code for Administrative Violations of the RF No.195-FZ, dated 30 December 2001.
- The Federal Law No.115-FZ “On Counteraction of the Money Laundering of the Income from Illegal Sources and Terrorist Financing”, dated 7 August 2001.

General Readings:

- The Central Bank of the Russian Federation (Bank of Russia). Information Notice. On revocation of licences of securities market professional member URL: http://www.cbr.ru/eng/press/PR.aspx?file=24062014_195431eng_sbrfr2014-06-24T19_16_15.htm
- The Central Bank of the Russian Federation (Bank of Russia). Information Notice. On cancelling licences of professional securities market participant. URL: http://www.cbr.ru/eng/press/PR.aspx?file=12112014_170223eng_sbrfr2014-11-12T16_59_37.htm
- D. Vasiliev. Capital Market Development in Russia. URL: <http://siteresources.worldbank.org/ECAEXT/Resources/VassilievPaper.pdf>

Official sources:

1. The Federal Law No.135-FZ “On Competition Protection”, dated 26 July 2006.
2. The Law of the RSFSR No.948-1 “On Competition and Restriction of Monopoly Activity on Commodity Markets”, dated 22 March 1991.
3. The Federal Law No.46-FZ “On the Protection of the Rights of Investors in the Securities Market”, dated 5 March 1999.
4. The Federal Law No.224-FZ “On Counteracting the Illegitimate Use of Insider Information and Market Manipulation and on Amendments to Certain Laws of the Russian Federation”, dated 27 July 2010.

Internet resources:

- www.pravo.gov.ru
- www.rsnet.ru
- www.legislature.ru
- www.consultant.ru
- www.garant.ru

Topic 2 «The Nature and Legal Control over Money Laundering».

Lecture 2.1. «The Offence of Money Laundering».

Summary: Stages of Money Laundering, Offences in Money Laundering, Liability in Money Laundering.

Seminar 2.1. «The Offence of Money Laundering».

Lecture 2.2. «Instruments to Control Money Laundering».

Summary: Instruments to Control Money Laundering, Obligations of Banks and other financial institutions in Anti-Money Laundering, Obligations of non-financial institutions in Anti-Money Laundering.

Seminar 2.2. «Instruments to Control Money Laundering».

Reading list for Topic 2:

Essential Readings:

- Shashkova A. Study Manual on the Bases of Russian Law. Cambridge Scholars Publishing. – 2015.

Official sources:

- The Criminal Code of the RF No.63-FZ, dated 13 June 1996.
- The Code for Administrative Violations of the RF No.195-FZ, dated 30 December 2001.
- The Federal Law No.39-FZ “On the Securities Market”, dated 22 April 1996.

General Readings:

Official sources:

1. The Federal Law No.273-FZ “On Combating Corruption”, dated 25 December 2008.

Internet resources:

- Money Laundering / Russia // Thomson Reuters. URL: <http://www.cmslegal.ru/Money-Laundering--Russia-03-21-2011>.
- Anti money-laundering law is enacted in Russia. PWC. URL: <http://www.pwc.ru/en/tax-consulting-services/legislation/anti-money-laundering-law.html>
- Anti-Money Laundering Forum. Russia. URL: <http://www.anti-moneylaundering.org/europe/Russia.aspx>
- <http://www.eurasiangroup.org/Russia.php>
- <http://www.legislation.gov.uk>
- <http://britishlawcentre.co.uk>
- <http://www.e-lawresources.co.uk>
- <http://www.outsourcing-law.com>
- <http://www.lawsociety.org.uk>

Topic 3 Compliance

Lecture 3.1 Definition, Approaches, Identification of Compliance risks

Summary: Definition of compliance in different countries. History of compliance. Key cases, influenced compliance development. Compliance risks related to different industries. Identification and mitigation of compliance risks.

Seminar 3.1 Definition, Approaches, Identification of Compliance risks

Lecture 3.2 Building of Effective Compliance System

Summary: Compliance System: structure, essential elements. Introduction of compliance system into the organizational chart of a company.

Seminar 3.2 Building of Effective Compliance System

Reading list for Topic 3:

Essential Readings:

1 Ракитская И.А., Кремянская Е.А., Кузнецова Т.О. Конституционные основы Российской Федерации = Constitutional basics of the Russian Federation : учеб. пособие [на англ. яз.]. - Москва : МГИМО-Университет, 2014.

Additional reading:

Foreign Corrupt Practices Act. Compliance Guidebook. John Wiley and Sons, Inc. 2010

Internet resources:

<https://www.int-comp.org/careers/a-career-in-compliance/what-is-compliance/>

<http://www.int-comp.org/dates>

<http://www.corporatecomplianceinsights.com/category/ethics/>

<http://www.corporatecomplianceinsights.com/resources/>

<http://corporatelawandgovernance.blogspot.ru/>

<http://www.change-leaders.com/corporate-governance.html>

<http://online.wsj.com/public/page/risk-compliance-journal.html?mg=blogs-wsj>

<http://www.journalofbusinesscompliance.com/>

<http://www.s-ox.com/>

[http://globenewswire.com/news-release/2013/03/13/530294/10024966/en/Wall-Street-Journal-to-](http://globenewswire.com/news-release/2013/03/13/530294/10024966/en/Wall-Street-Journal-to-Launch-Risk-Compliance-Journal-in-Spring-2013.html)

[Launch-Risk-Compliance-Journal-in-Spring-2013.html](http://www.complianceweek.com/blogs/section/1770/)

<http://www.complianceweek.com/blogs/section/1770/>

Topic 4 Anticorruption Compliance

Lecture 4.1 U.S. Law : FCPA, Sarbanes Oxley Act, Dodd-Frank Act

Summary: American legislation in the sphere of compliance. Major acts with ex-territorial nature. Practical cases of application. Tendencies of development of governmental control in this sphere.

Seminar 4.1 U.S. Law : FCPA, Sarbanes Oxley Act, Dodd-Frank Act

Lecture 4.2. U.K. Bribery Act 2010. Legislation in Russia

Summary: British regulations in the sphere of compliance. Adoption and application of U.K. Bribery Act 2010. Practical cases. Russian compliance practice.

Seminar 4.2 U.K. Bribery Act 2010. Legislation in Russia

Reading list for Topic 4:

Essential Reading:

1. Ракитская И.А., Кремянская Е.А., Кузнецова Т.О. Конституционные основы Российской Федерации = Constitutional basics of the Russian Federation : учеб. пособие [на англ. яз.]. - Москва : МГИМО-Университет, 2014.

Additional reading:

Foreign Corrupt Practices Act. Compliance Guidebook. John Wiley and Sons, Inc. 2010

Official sources:

The Federal Law No.273-FZ “On Combating Corruption”, dated 25 December 2008.

U.S. Foreign Corrupt Practices Act, 1977 <https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>

Sarbanes-Oxley Act, 2002. <https://www.sec.gov/about/laws/soa2002.pdf>

UK Bribery Act 2010 http://www.legislation.gov.uk/ukpga/2010/23/pdfs/ukpga_20100023_en.pdf.

Internet resources:

<http://www.int-comp.org/dates>

<http://www.corporatecomplianceinsights.com/category/ethics/>

<http://www.corporatecomplianceinsights.com/resources/>

<http://corporatelawandgovernance.blogspot.ru/>

<http://www.change-leaders.com/corporate-governance.html>

<http://online.wsj.com/public/page/risk-compliance-journal.html?mg=blogs-wsj>

<http://www.journalofbusinesscompliance.com/>

<http://www.s-ox.com/>

<http://globenewswire.com/news-release/2013/03/13/530294/10024966/en/Wall-Street-Journal-to-Launch-Risk-Compliance-Journal-in-Spring-2013.html>

<http://www.complianceweek.com/blogs/section/1770/>

2.4 ESSAY TOPICS / EXAM QUESTIONS

1. Types of Insiders,
2. Offences in Inside,
3. Defenses for Inside,
4. Liability for the Insider Dealing,
5. General violations at the Securities' Market,
6. Specifics of Price manipulation,
7. Other offences at the Securities' Market,
8. Liability for Price Manipulation at the Securities' Market,
9. Stages of Money Laundering,

10. Offences in Money Laundering,
11. Liability in Money Laundering,
12. Instruments to Control Money Laundering,
13. Obligations of Banks and other financial institutions in Anti-Money Laundering,
14. Obligations of non-financial institutions in Anti-Money Laundering.
15. Compliance: definition and history of development.
16. Building of solid compliance system.
17. Identification of compliance risks (“Red flags”)
18. Mitigation of compliance risks
19. Anticorruption compliance.
20. Siemens compliance case: essence and lessons learned.
21. U.S. Foreign corrupt practices act: contents and application. Extra territorial nature.
22. U.S. Sarbanes-Oxley Act: contents and application in the sphere of compliance. Extra territorial nature.
23. U.S. Dodd-Frank Act: contents and application in the sphere of compliance. Extra territorial nature.
24. U.K. Bribery Act: contents and application in the sphere of compliance.. Extra territorial nature.
25. Implementation of compliance in a multinational company.
26. Implementation of compliance in Russia
27. Russian legislation in the sphere of compliance
28. Current world tendencies in the sphere of compliance.

2.5. Consolidated reading list

Compulsory reading:

1. Ракитская И.А., Кремянская Е.А., Кузнецова Т.О. Конституционные основы Российской Федерации = Constitutional basics of the Russian Federation : учеб. пособие [на англ. яз.]. - Москва : МГИМО-Университет, 2014.
2. Shashkova A. Study Manual on the Bases of Russian Law. Cambridge Scholars Publishing. – 2015.

Further reading:

Foreign Corrupt Practices Act. Compliance Guidebook. John Wiley and Sons, Inc. 2010

Official sources:

The Federal Law No.273-FZ “On Combating Corruption”, dated 25 December 2008.
 The Criminal Code of the RF No.63-FZ, dated 13 June 1996.
 The Code for Administrative Violations of the RF No.195-FZ, dated 30 December 2001.
 The Federal Law No.39-FZ “On the Securities Market”, dated 22 April 1996.
 The Federal Law No.135-FZ “On Competition Protection”, dated 26 July 2006.

The Law of the RSFSR No.948-1 “On Competition and Restriction of Monopoly Activity on Commodity Markets”, dated 22 March 1991.

The Federal Law No.46-FZ “On the Protection of the Rights of Investors in the Securities Market”, dated 5 March 1999.

The Federal Law No.224-FZ “On Counteracting the Illegitimate Use of Insider Information and Market Manipulation and on Amendments to Certain Laws of the Russian Federation”, dated 27 July 2010.

Internet resources

<http://www.int-comp.org/dates>

<http://www.corporatecomplianceinsights.com/category/ethics/>

<http://www.corporatecomplianceinsights.com/resources/>

<http://corporatelawandgovernance.blogspot.ru/>

<http://www.change-leaders.com/corporate-governance.html>

<http://online.wsj.com/public/page/risk-compliance-journal.html?mg=blogs-wsj>

<http://www.journalofbusinesscompliance.com/>

<http://www.s-ox.com/>

<http://globenewswire.com/news-release/2013/03/13/530294/10024966/en/Wall-Street-Journal-to-Launch-Risk-Compliance-Journal-in-Spring-2013.html>

<http://www.complianceweek.com/blogs/section/1770/>

<http://www.eurasiangroup.org/Russia.php>

<http://www.legislation.gov.uk>

<http://britishlawcentre.co.uk>

<http://www.e-lawresources.co.uk>

<http://www.outsourcing-law.com>

<http://www.lawsociety.org.uk>

Anti-Money Laundering Forum. Russia. URL: <http://www.anti-moneylaundering.org/europe/Russia.aspx>