

New criteria for including software in the Register of Russian Software

FAO heads and employees of IT companies that have had or are planning to have software registered in the Register of Russian Software

Pepeliaev Group advises of new rules being published for the Register of Russian Software to be formed for both software that is included in it and software that is intended to be included¹.

The requirements will extend to both public companies and commercial participants of the market. The Russian Ministry of Digital Development, Communications and the Mass Media (the “Ministry of Digital Development”) underlines that the changes will incentivise developers to make their own solutions more mature and will support state companies in switching to Russian software.

General requirements for all participants in the market

It is proposed to make amendments whereby the software must be compatible with two Russian operating systems that meet additional requirements. Among them is the support of certificates of safety of the National Certification Authority, the absence of vulnerabilities, and support of Russian microprocessors and browsers, as well as other things.

For software within software and hardware appliances, it is sufficient to be compatible with one operating system.

The requirements do not affect mobile operating systems, but apply only to desktop systems.

The amendments will be introduced stage by stage:

- as of 1 June 2025, they will extend to means of virtualisation and office software,
- as of 1 January 2026, they will apply to utility software, cloud computing tools, data storage media and other items,

¹ <https://digital.gov.ru/ru/events/54275/>, <https://regulation.gov.ru/Regulation/Npa/PublicView?npaID=153100>

- as of 1 January 2027, they will apply to industrial software and tools for managing an organisation's processes.

Mature solutions pertaining to different classes of the register (operating systems, database management systems, office software and antivirus software) will be able to undergo a voluntary check for additional requirements, i.e the support of Russian microprocessors and browsers, among other things. The Ministry of Digital Development underlined that failure to comply with these additional criteria will not result in software being de-registered; yet, compliance will confer advantages in public procurement processes.

New requirements for state companies

Software of public companies will be included in the register on two conditions:

- there being no similar software in the Register of Russian Software or Register of Eurasian Software;
- the share of income from sales of software to affiliated companies not exceeding 30 % of the full amount of income from the software.

The explanatory note states as follows: "This will allow for state costs to be optimised and will incentivise the purchase and development of software solutions existing on the Russian market"².

What to think about and what to do

One should follow up on how the new rules are adopted and come into force.

In view of the new requirements for IT companies, it is advisable to determine whether software is compatible with at least two Russian operating systems and, if not, make modifications. Given that the new requirements for software of certain classes should come into force as of 1 June 2025, it would be prudent already to be making a start at this stage.

It is important that the selected operating systems be in line with the additional requirements with a view to gaining advantages in public procurement.

Help from your adviser

The experts of Pepeliaev Group have significant experience in advising clients on various legal issues connected with the operation of Russian IT companies, including on the issues of interacting with the Russian Ministry of Digital Development with respect to having software included in the Register of Russian Software.

² <https://regulation.gov.ru/Regulation/Npa/PublicView?npaID=153100#>

We are ready to provide comprehensive legal support to companies by determining risks in connection with the amendments that are being prepared and also by preparing a legal position on contentious matters.

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