

By the Judgement of 4 February 2019 No. 8-II the Constitutional Court appraised constitutionality of Article 15.33² of the Code of Administrative Offences of the Russian Federation.

The contested provision was a subject-matter of consideration to the extent to which it is used as a normative ground for bringing to administrative liability for violation of the order and terms of data (documents) submission to the bodies of the Pension Fund of the Russian Federation established by the legislation of the Russian Federation on individual (personalised) accounting in the system of compulsory pension insurance, in cases when such a violation is committed by individual entrepreneur who has already been found liable under Article 17, Section 3 of the Federal Law "On Individual (Personalised) Accounting in the Compulsory Pension Insurance System" for failure to submit within the prescribed period or for submission of incomplete and (or) untrustworthy data to the bodies of the Pension Fund of the Russian Federation for the same reporting period.

The Constitutional Court recognised the contested provision as not conforming to the Constitution to the extent to which it allows bringing to administrative liability citizens, who in their official capacity were engaged in entrepreneurial activity without establishing a legal entity and who previously were brought under the same circumstances for the same infringing act to liability established by Article 17, Section 3 of the said Federal Law.