

By the Judgement of 5 March 2019 No. 14-II the Constitutional Court appraised constitutionality of Article 15 and Article 1064 of the Civil Code of the Russian Federation, Article 9, Section 1, Para. 2, Article 10, Section 1 and Article 59, Section 3 of the Federal Law “On Insolvency (Bankruptcy)”.

The contested provisions were a subject-matter of consideration to the extent to which they are used as a normative ground for collecting from the head of the debtor organisation, who timely failed to submit, in case specified by law, a bankruptcy petition to the arbitration court, the damages in the amount of court costs and the expenses on payment a reward to the arbitration manager, incurred by the tax authority, initiated the bankruptcy case.

The Constitutional Court has recognised the contested provisions as not contradicting to the Constitution of the Russian Federation as it does not imply such collecting without establishing all the elements of this civil offence committed by the chief of the debtor as well as without assessing the reasonableness and due care of the actions (inaction) of all persons who effected the occurrence and the amount of expenses in a bankruptcy case (the chief of debtor himself, other persons managing the debtor, the authorised body, the arbitration manager and others).