

By the Judgement of 12 January 2021 No.1-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 208 of the Civil Procedure Code of the Russian Federation

The challenged provision (as amended by the Federal Law No. 451-Φ3 of 28 November 2018) was the subject of consideration to the extent that on its basis the issue of indexation of the awarded sums of money in the system of current legal regulation is resolved.

The challenged provision was found to be inconsistent with the Constitution of the Russian Federation to the extent that the norm contained therein – in the absence of a mechanism for indexation the sums recovered by the court in the system of the current legal regulation, which is necessarily recognised by judicial practice as applicable – does not contain definite and unambiguous criteria, in accordance with which the indexation provided by it should be carried out.

Until the appropriate legislative changes are introduced, the courts in order to implement Article 208 of the Code of Civil Procedure of the Russian Federation (in cases where the conditions and amount of indexation of the awarded sums of money are not established by the agreement) should use as the criterion for realisation of the indexation provided thereby with the consumer price index approved by the Federal State Statistics Service, which is official statistical information characterising inflationary processes in the country, published on the official website of the Federal State Statistics Service on the Internet.