

**By the Judgement of 16 November 2021 No 49-II/2021 the Constitutional Court assessed constitutionality of Article 42 of the Code of Commercial Procedure of the Russian Federation and Article 3 of the Federal Law “On Insolvency (Bankruptcy)”.**

These provisions were subject to examination since they served as legal basis to dismiss application of person brought to subsidiary liability with regard to debtor’s obligations challenging a judicial act delivered without his or her participation in a bankruptcy case after consideration of the creditors’ claims with regard to including their demands into the list of creditors’ demands.

The challenged norms in their connection were recognised to not be in conformity with the Constitution of the Russian Federation insofar as they under the meaning attributed to them by law enforcement practice they did not allow the above person to challenge the judicial act delivered without his participation on recognition of the debtor’s creditors’ claims and including them in the list of creditors’ demands with regard to period when such person had managing functions claims in respect of the debtor.