

**By the Judgment of 19 April 2021 No. 14-II the Constitutional Court of the Russian Federation examined constitutionality of Article 209 paragraph 2 of the Civil Code of the Russian Federation; Article 10, part 7 of the Federal Law “On the basis of State regulation of trading activities in the Russian Federation”; Article 2, part 1, item 22; Article 16, part 1, paragraph 25; Article 451, part 2, paragraph 3 of the Federal Law “On the fundamental principles of organisation of local self-government in the Russian Federation”.**

These provisions were subject of consideration insofar as according to the meaning attributed to them by law-enforcement practice they vested authorities of local self-government (municipal authorities) with powers to regulate (by way of adoption or amending Rules of landscaping and public amenities) issues of placing non-stationary trading facilities on the territory in vicinity of buildings (multiple dwelling units) with living quarters that are private property of citizens.

The challenged provisions were recognised as not contradicting the Constitution of the Russian Federation insofar as they imply that in establishing by municipal authorities within the Rules of landscaping and public amenities of provisions that relate to placing of non-stationary trading facilities on land plots included in the territory in vicinity of multiple dwelling units, the following should be observed:

- owners of duly created and registered with the State cadastral register land plots should not be deprived of the right to decide to place non-stationary trading facilities on such plots if it does not contravene existing requirements under the Russian Federation legislation;

- it is acceptable to repeat certain provisions of obligatory requirements provided for by the Russian Federation legislation in force in Rules of landscaping and public amenities if this does not lead to imposition of prohibitions and limitations apart from those established by these obligatory requirements;

- it is possible to establish requirements as regards distance of non-stationary trading facilities from buildings and structures, as regards matching of non-stationary trading facilities with of the elements of public amenities, as regards exterior and technical (constructive) parameters of non-stationary trading objects etc.;

- requirements leading to exclusion, limiting or prevention of competition shall not be allowed.

The Constitutional Court of the Russian Federation has especially noted that within a year from coming into force of the present Judgment municipal authorities that had established in relevant Rules of landscaping and public amenities that placement of non-stationary trading facilities is fully excluded on duly created and registered with the State cadastral register land plots included in territories in vicinity of buildings (multiple dwelling units), shall be obliged to amend these regulations in such a way so as to observe the above legal positions.

Until this term expires it is allowed to apply current Rules of landscaping and public amenities in part not contravening other legislative provisions. If necessary amendments are not introduced within this time-limit, upon its expiration the prohibition to place non-stationary trading facilities on the above land plots established by municipal Rules of landscaping and public amenities shall not be applied.