

By the Judgement of 15 July 2021 No. 37-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 158, item 3, sub-item 1; Article 242³ of the Budgetary Code of the Russian Federation and Article 358, part 1 of the Code of Administrative Procedure of the Russian Federation.

These provisions were subject to consideration insofar as they served as basis to resolve the issue on the order of execution of a judicial act on reimbursement of court expenses awarded in an administrative case on challenging unlawful actions (omission) of a body of state power (state authority) that has no account opened with the bodies of the Federal Treasury.

The challenged provisions were recognised as contradicting the Constitution of the Russian Federation insofar as according to the meaning attributed to them by current law-enforcement practice within the current system of legal regulation they excluded possibility to execute judicial decision on reimbursement of court expenses awarded by a court judgement in connection with recognising unlawful actions (omission) of a said body of state power (state authority).

Pending introduction of relevant legislative amendments, in order to ensure in accordance with the current budgetary legislation possibility to execute judicial act in the case on reimbursement of court expenses in connection with recognising unlawful actions (omission) of a relevant body of state power (state authority) or its officials the law-enforcement bodies shall proceed on the basis of necessity to change by court upon application of plaintiff of the way and order of execution of relevant judicial act by way of bringing to subsidiary liability state authority which is hierarchically higher than defendant and has an account in the Federal Treasury.