

**By the Judgement of 25 February 2019 No. 12-II the Constitutional Court appraised constitutionality of Article 24, Para. 4 of the Federal Law “On the Status of Military Service Persons”.**

The contested provision was a subject-matter of consideration to the extent to which it is used as a normative ground for deciding on the composition of expenses for maintenance and repair of public facilities in the apartment houses which is a subject to accounting at calculation of the size of compensation payments connected with the expenses on payment of premises, utilities and other types of services provided to owners of premises who are members of families of the citizens who did military service under contract and who died after military service dismissal due to reaching the age limit for military service or due to health status or organisational and staff activities when the total length of military service is 20 years and more.

The Constitutional Court recognised the contested provisions as not conforming to the Constitution to the extent to which they allow different approach to the solution of the mentioned question concerning the expenses on payment of contributions for capital repair of the public property in the apartment house and lead thereby to unreasonable differentiation of the size of compensation payments in connection with expenses on payments of premises, utilities and other types of services provided to the recipients of this social support measure.

The Constitutional Court has also emphasised that the recognition of the contested provisions not conforming to the Constitution should not incur suspension or termination of the compensation payments on expenses of payment of premises, utilities and other types of services, and equally its reduction and thereby deteriorating the legal status of citizens – recipients of this social support measure.

The Constitutional Court has also pointed out that henceforth, before making proper changes to the current legal regulation, when calculating the amount of such compensation payments, the expenses on payment of contributions for capital repairs of the common property in the apartment houses, incurred by the owners of the premises who are the recipients of this social support measures, are subject to the accounting by the social protection authorities as a part of expenses on the maintenance and repair of public facilities.