

**By the Judgement of 30 March 2021 No. 9-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 28.1, Section 5 of the Code of the Russian Federation on Administrative Offences and Article 201, Section 3 of the Code of Commercial Procedure of the Russian Federation.**

The subject of consideration included:

the said provisions of the Code of Administrative Offenses of the Russian Federation to the extent that, on their basis, the issue of the choice by an authorised official of a method of responding to a request of an individual or legal entity, which contains data indicating the existence of an event of an administrative offense, is resolved;

the said provisions of the Code of Commercial Procedure of the Russian Federation to the extent that on their basis the issue of the procedure for exercising judicial control over the legality of this method of response is decided.

The challenged provisions of the Code of Administrative Offenses of the Russian Federation were recognised as not contradicting the Constitution of the Russian Federation, since they establish that, upon the request of an individual or legal entity containing data indicating the existence of an event of an administrative offense (with the exception of certain offenses listed in this Code), an authorised official, regardless of the procedure in which the verification of the facts set out in the appeal was carried out, based on the results of which it was concluded that there was insufficient data to initiate an administrative offense case, issues a reasoned decision on the refusal to initiate an administrative offense case.

The challenged provisions of the Code of Commercial Procedure of the Russian Federation were also recognised as not contradicting the Constitution of the Russian Federation, since they do not exclude the right of an individual or legal entity to challenge (appeal) according to the rules of Chapter 25 of the Code of Commercial Procedure of the Russian Federation, acting in conjunction with the provisions of the Code of Administrative Offenses of the Russian Federation, refusal to initiate an administrative offense case issued by an authorised official at the request of this individual or legal entity containing data indicating the existence of an event of an administrative offense, not in the form of a decision on the refusal to initiate an administrative offense case, but in a different form, and at the same time allow to challenge such a refusal under the procedure of Chapter 24 of the Code of Commercial Procedure of the Russian Federation due to the inconsistency of its form with the requirement of Article 28.1, Section 5 of the Code of Administrative Offenses of the Russian Federation and imply the satisfaction of an

application for recognising it as illegal in the event that non-compliance with the refusal form is established.