

By the Judgement of 29 September 2021 No. 42-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 17, parts 1 and 3 of the Federal Law “On meteorological service”; items 3, 4 and 5 of the Regulation on information services in the sphere of meteorology and monitoring of pollution of the natural environment approved by the Decree of the Government of the Russian Federation of 15 November 1997 No. 1425.

These provisions became subject to examination insofar as they served as basis to define criteria for obliging an enterprise to conclude an agreement with the organisation (authority) authorised in the sphere of hydro-meteorology and environmental protection; such agreement foreseeing provision of information services –prognosis of unfavourable meteorological conditions against payment.

The challenged provisions were recognised as not being in conformity with the Constitution of the Russian Federation insofar as lack of their clarity does not allow defining criteria for imposition of the above obligation on an enterprise.

The Constitutional Court noted the following. The Judgement prevents the supervisory authority from ordering enterprises and entrepreneurs to conclude the agreements on obtaining prognosis of unfavourable meteorological conditions against payment. Lack of such agreement in itself shall not lead to application of negative consequences. But the enterprises are not free from the obligation to act reasonably and carefully, and to obtain relevant prognostic information from existing sources, including on the basis of existing agreements. The Judgement shall not serve as basis to discontinue such agreements.

The Constitutional Court arrived to a conclusion that there are no grounds to review the judicial acts in the case of the applicant and to apply compensatory mechanisms in its favour.