

By the Judgement of 27 May 2021 No. 23-II the Constitutional Court of the Russian Federation examined constitutionality of Article 44, part 1, item 6, and Article 47, parts 1 and 3 of the Federal Law “On the basic principles of organisation of local self-government in the Russian Federation”.

These provisions were subject to consideration insofar as within the current legal framework they serve as normative basis to decide on the issue of due order of official publication (promulgation) of municipal normative legal acts concerning human and civil rights, freedoms and obligations, as a ground for these acts to enter into force.

The challenged provisions were recognised as not contradicting the Constitution of the Russian Federation since within the current legal framework they oblige municipal entities to define the order of official publication (promulgation) of relevant legal acts in their respective Charters; do not allow entering these acts into force without their official publication; and at the same time empower municipal entities to define, in the interests of citizens, methods of promulgation additional to the order of official publication.

Certain specific properties of execution of this Judgement were indicated.

In particular, the Constitutional Court of the Russian Federation pointed out that municipal normative legal acts concerning human and civil rights, freedoms and obligations, that entered into force by the time of the Judgement becoming final and within two years after (but not later than introduction of amendments to charters of municipal entities following from the present Judgement), and that have been promulgated without their official publication under the order established by the relevant Charter of a municipal entity, shall remain in force from the moment of their first promulgation. These acts can be recognised inoperative by courts due to violation of the order of their publication only on condition of establishment that residents of municipal entity had no possibility to familiarise with its contents. Municipal normative legal acts that will enter into force within two years from the present Judgement becoming final may also be recognised inoperative if at the time of entering of this Judgement into force there was an official gazette (outlet for official publication of municipal legal acts) in a municipal entity, but relevant acts were not published therein.

The case on consideration of administrative claim challenging the decision of the Sverdlovsk district deputy Council of 27 September 2018 no. 18/136 shall not be subject to revision. Judicial acts adopted upon the administrative claim, recognising partly inoperative Article 48, parts 4 and 5 of the Charter of

Sverdlovsk district of the Oryol region, which have been delivered under the challenged provisions in their interpretation differing from their constitutional legal meaning revealed in the present Judgement, shall be subject to revision in due order if there are no other obstacles for that.