

**By the Judgment of 14<sup>th</sup> July, 2015 No. 21-II/2015 the Constitutional Court gave appraisal of constitutionality of the provisions of Article 1 of the Federal Law “On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto”, Items 1 and 2 of Article 32 of the Federal Law “On International Treaties of the Russian Federation”, Sections 1 and 4 of Article 11, Item 4 of Section 4 of Article 392 of the Civil Procedure Code of the Russian Federation, Sections 1 and 4 of Article 13, Item 4 of Section 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation, Sections 1 and 4 of Article 15, Item 4 of Section 1 of Article 350 of the Administrative Judicial Proceedings Code of the Russian Federation and Item 2 of Section 4 of Article 413 of the Criminal Procedure Code of the Russian Federation.**

The contested provisions were the subject-matter of consideration to the extent to which on their basis the question is subject to solution on execution of a judgment of the European Court of Human Rights (hereinafter referred to as the ECHR) passed on a complaint against Russia, placing obligations on the state, realization of which does not conform to the Constitution of the Russian Federation.

The Constitutional Court recognized these provisions as not contradicting the Constitution of the Russian Federation, since on their basis:

application of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the CPHR) and execution of judgment of the ECHR passed on its basis are ensured, if all internal constitutionally established intra-state means of judicial protection have been exhausted;

court of general jurisdiction, arbitration court, while reconsidering in the procedure established by the procedural legislation a case in connection with adoption of a judgment by the ECHR, in which is ascertained violation in the Russian Federation of human rights and freedoms at application of a law or its individual provisions, having come to the conclusion on the possibility of application of a respective law only after confirmation of its conformity to the

Constitution of the Russian Federation, petitions the Constitutional Court with a request to review constitutionality of this law. In any event court of general jurisdiction, arbitration court, carrying out proceedings of reconsideration of a judicial act having entered into legal force on application of a person, on whose complaint the ECHR passed a judgment, ascertaining violation of the CPHR by the provisions of the legislation of the Russian Federation, applied in this person's case, is obliged to suspend proceedings and petition the Constitutional Court with a request to review their conformity to the Constitution of the Russian Federation;

state bodies, entrusted with the obligation to ensure fulfilment by the Russian Federation of international treaties of which it is a party, having come to the conclusion on impossibility to execute a judgment of the ECHR passed on a complaint against Russia, because in the part obliging the Russian Federation to take measures of individual and common nature it is based on the provisions of the CPHR in the interpretation leading to its divergence with the Constitution of the Russian Federation, are entitled to petition the Constitutional Court for the solution of the question on the possibility to execute the judgment of the ECHR and take measures of individual and common character, aimed at ensuring the fulfilment of this Convention. Should the Constitutional Court come to the conclusion that the judgment of the ECHR, so far as it is based on the CPHR in the interpretation contradicting the Constitution of the Russian Federation, cannot be executed, such judgment in this part is not subject to execution. The President of the Russian Federation, the Government of the Russian Federation, having come to the conclusion on the impossibility to execute a judgment of the ECHR passed on a complaint against Russia, because in the part obliging the Russian Federation to take measures of individual and common character it is based on the provisions of the CPHR in the interpretation leading to their divergence with the Constitution of the Russian Federation, are entitled to petition the Constitutional Court with a request to interpret respective provisions of the Constitution of the Russian Federation with the aim to eliminate uncertainty in their understanding, bearing in mind the revealed conflict and international obligations of Russia as applied to the

possibility to execute the judgment of the ECHR and to take measures of individual and common character aimed at ensuring fulfilment of the CPHR.