

IN THE NAME OF THE RUSSIAN FEDERATION

CONSTITUTIONAL COURT  
OF THE RUSSIAN FEDERATION

Judgment  
of 30 June 2006 No. 8-II

in the case concerning the review of the constitutionality of certain provisions in Section 11, Article 154 of the Federal Law No. 122-Φ3 of 22 August 2004, “On Amendments to Legislative Acts of the Russian Federation and Annulment of Certain Legislative Acts of the Russian Federation due to the Adoption of the Federal Laws “On Amendments to the Federal Law ‘On the General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation’” and “On General Principles of Organization of Local Self-Government in the Russian Federation” upon a request of the Government of Moscow.

Moscow, 30 June 2006

The Constitutional Court of the Russian Federation composed of Presiding Judge Yu. M. Danilov and Judges L. M. Zharkova, G. A. Zhilin, V. D. Zorkin, S. M. Kazantsev, M. I. Kleandrov, N. V. Melnikov, N. V. Seleznev, O. S. Khokhryakova,

in the attendance of attorney T. N. Mordokhova and A. Yu. Sherstobitov, PhD in Law, as the representatives of the Government of Moscow, Permanent Representative of the State Duma to the Constitutional Court of the Russian Federation Ye. B. Mizulina, Representative of the Council of the Federation Ye. V. Vinogradova, PhD in Law, Plenipotentiary Representative of the President of the Russian Federation to the Constitutional Court of the Russian Federation M. V. Krotov,

pursuant to Subsection “a”, Section 2, Article 125 of the Constitution of Russian Federation, Subsection 2 (a), Section 1, Sections 3 and 4, Article 3, Subsection 1 (a), Section 2, Article 22, Articles 36, 74, 84, 85 and 86 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”,

in an open hearing, examined the constitutionality of certain provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, “On Amendments to Legislative Acts of the Russian Federation and Annulment of Certain Legislative Acts of the Russian Federation due to the Adoption of the Federal Laws ‘On Amendments to the Federal Law ‘On the General Principles of Organization of Legislative (Representative) and Executive Bodies of

State Power of Subjects of the Russian Federation” and “On General Principles of Organization of Local Self-Government in the Russian Federation”.

The reason for the consideration of the case is a request of the Government of Moscow. The ground for the consideration of the case is the discovered uncertainty of whether the provisions challenged in the request are in conformity with the Constitution of the Russian Federation.

Having heard the report of Judge-Rapporteur M. I. Kleandrov, statements by the parties’ representatives and M. Yu. Barshchevsky, Plenipotentiary Representative of the Government of the Russian Federation to the Constitutional Court of the Russian Federation, interventions of the Judge of the Supreme Arbitration Court of the Russian Federation V. L. Slesarev for the Supreme Arbitration Court of the Russian Federation, T. A. Ryzhkova for the Prosecutor General of the Russian Federation, O. B. Sokolova for the Ministry of Economic Development and Trade of the Russian Federation, A. N. Krylasova for the Federal Agency for Management of Federal Property, and having considered written submissions and other materials, the Constitutional Court of the Russian Federation

e s t a b l i s h e d :

1. The Government of Moscow requests to recognize the provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004 (as amended by the Federal Law “On Amendments to Certain Legislative Acts of the Russian Federation” of 31 December 2005) as non-conforming to Articles 1 (Section 1), 5 (Section 3), 8 (Section 2), 11 (Section 2), 35 (Section 2 and 3) and 73 of the Constitution of the Russian Federation. These norms provide the following:

– possessions in the property of Russian Federation subjects, which may be in federal property, shall be transferred at no cost to federal property if these possessions are prohibited to be in the property of subjects of the Russian Federation, *inter alia* due to division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, or if the said possessions are used by bodies of state power of the Russian Federation, federal state unitary enterprises, federal state institutions for purposes established pursuant to this Federal Law (Section 11 (9) – (11));

– proposals to transfer possessions shall be sent by bodies of state power of the subject of the Russian Federation to the federal body of the executive power which exercises the rights of the owner of the possessions (Section 11 (15) – (16));

– decisions to transfer possessions from the property of a subject of the Russian Federation to federal property shall be made by the federal body of the executive power which

exercises the rights of the owner of the possessions, except as otherwise prescribed by the Government of the Russian Federation; these decisions shall serve as a basis for acquisition of the right of property of the Russian Federation to the possessions which shall be transferred from the subject of the Russian Federation (Section 11 (19) – (21));

- the list of documents necessary for the decision to transfer possessions from the property of a subject of the Russian Federation to federal property shall be prescribed by the Government of the Russian Federation (Section 11 (22));

- bodies of state power of the subjects of the Russian Federation which transfer possessions must transfer, and the federal body of the executive power which accepts the possessions must accept the transferred possessions, on the basis of the decision to transfer the possessions from the property of the subject of the Russian Federation to federal property under an acceptance certificate; the acceptance certificate shall contain the names and locations of the transferred state unitary enterprises and state institutions; the acceptance certificate signed by authorized persons of the bodies of state power which transfer and accept the possessions shall be submitted to the authorized body of state power for approval and recording in the register of state property; if, within the prescribed time limit, the acceptance certificate is not signed and (or) is not submitted to the body of state power which transfers the possessions the acceptance certificate shall be approved by the authorized federal body unilaterally (Section 11 (23) – (27));

- the rights to objects of immovable property in federal property shall be registered with the rights to the plots of land (on which these objects of immovable property are located) on the basis of the decisions to transfer the possessions from the property of the subjects of the Russian Federation to federal property and signed acceptance certificates and other documents provided for by the legislation of the Russian Federation (Section 11 (29));

- possessions assigned to state institutions or enterprises shall be transferred only with the consent of these institutions or enterprises; in this case, on behalf of the party making the transfer the acceptance certificate shall be signed by the authorized person of the enterprise or countersigned by the authorized person of the institution (Section 11 (30));

- the right of property to possessions transferred under the procedure prescribed by this Federal Law is acquired from the date prescribed by the respective decisions of the federal body of the executive power which exercises the rights of the owner of the possessions (Section 11 (31));

- the provisions of the Civil Code of the Russian Federation and the Federal Law “On State Registration of Rights to Immovable Property and Transactions with It” of 21 July 1997, including those defining the moment of acquisition of the right of property of the possessions, shall apply to the legal relations on transfer of possessions from the property of the subjects of

the Russian Federation to federal property to the extent that they do not contradict to the provisions of this Article (Section 11 (33)).

In the applicant's opinion, these norms violate the constitutional powers of the subjects of the Russian Federation to the extent that they allow the taking of possessions from the property of the subjects of the Russian Federation and its transfer to federal property. This happens notwithstanding the common rules of acquisition of right of property, prescribed by the Civil Code of the Russian Federation, on the basis of subordinate legislation, without the consent of bodies of state power of the subjects of the Russian Federation, judicial decision, or equal compensation. These norms do not contain a specific list of possessions of the subjects of the Russian Federation (their types, categories), which shall be transferred to federal property, and thereby they allow federal bodies of the executive power to define them at their discretion. Further, these norms do not guarantee reservation of their possessions for subjects of the Russian Federation when it is possible to use possessions for multiple purposes, modify their purpose or use them for the exercise of other powers of the subject of the Russian Federation which are retained after the division of powers between bodies of state power of the Russian Federation and bodies of state power of subjects of the Russian Federation.

The Government of Moscow, therefore, challenges the constitutionality of the respective norms to the extent that they concern the procedure of transfer, at no cost, of possessions from the property of subjects of the Russian Federation to federal property. Under Article 36, Section 3, Article 74, Articles 84 and 85 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", exactly to this extent these provisions are the subject-matter for consideration by the Constitutional Court of the Russian Federation in the present case.

2. Pursuant to the Constitution of the Russian Federation, the Russian Federation is a federal state, its federal order is based on the division of competence and powers between bodies of state power of the Russian Federation and bodies of state power of subjects of the Russian Federation (Section 1, Article 1; Section 3, Article 5); state power in subjects of the Russian Federation is exercised through bodies of state power established by them (Section 2, Article 11); in the Russian Federation, private, state, municipal and other forms of property are recognized and equally protected (Section 2, Article 8); at the same time federal state property and its management are within the competence of the Russian Federation (Subsection "e", Article 71), and the division of state property is within the joint competence of the Russian Federation and subjects of the Russian Federation (Subsection "d", Section 1, Article 72); on issues within the joint competence of the Russian Federation and its subjects, federal laws shall

be passed, and laws and other normative acts of subjects of the Russian Federation shall be adopted according to them (Section 2, Article 76).

2.1. Within the meaning of the mentioned constitutional provisions, the need to divide state property between the Russian Federation and subjects of the Russian Federation, which is directly provided for by the Constitution of the Russian Federation as an area of their joint competence, is predetermined by the federal nature of the state and the division of powers between bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation. Along with that, the Constitution of the Russian Federation does not regulate which objects of state property shall be in the property of the Russian Federation and which shall be in the property of the subjects of the Russian Federation.

Accordingly, the federal legislator exercising normative regulation of the division of state property is entitled to attribute objects of state property to the respective level (type), namely, federal property or property of the subjects of the Russian Federation, and to establish a procedure of transfer of the property, including that on a gratuitous basis, from one public authority to another. The legislator may do so on the basis of division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, as well as relying on the scope, limits and specificity of certain powers of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation on issues of division of state property, its purpose as an economic foundation for the exercise of state functions and the powers of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation.

In particular, possessions in the federal property may be transferred at no cost to the property of subjects of the Russian Federation. In their turn, possessions in the property of subjects of the Russian Federation may be transferred at no cost to federal property. However, these transfers are not compulsory taking of the possessions for federal needs, which implies prior and equal compensation prescribed by Article 35 (Section 3) of the Constitution of the Russian Federation. At the same time, possessions transferred during the division of property between the Russian Federation and its subjects remain to be state property and shall be used by bodies of state power of the subjects of the Russian Federation only for the exercise of their powers with a view to achieving the constitutionally prescribed aims.

Therefore, the division of state property and transfer of state-owned possessions is exercised due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation and shall not be arbitrary.

2.2. Within the meaning of Article 72 (Subsection “d”, Section 1) of the Constitution of the Russian Federation, taken in conjunction with its Articles 5 (Section 3), 8 (Section 2) and 71

(Subsection “e”), the division of state property shall be exercised between the Russian Federation and subjects of the Russian Federation as public law entities linked by relations of subordination and coordination which are based on the division of competence and powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation.

Consequently, the relations concerning the transfer of possessions within state property represent the system of public authoritative relations which are inherently based on subordination and coordination. These relations are predetermined by the division of public powers, including the relations concerning the grounds and procedure for the transfer of possessions (*inter alia* the form and content of acts formalizing such transfer). For this reason these relations, as a general rule, are not regulated by the civil legislation, which defines the legal status of the participants in civil transactions and which regulate proprietary relations based on equality, autonomy of will and proprietary independence of their participants.

Pursuant to the Civil Code of the Russian Federation, unless otherwise provided by the legislation, the civil legislation shall not be applied to proprietary relations based on administrative or other kind of authoritative subordination of one party to another (Subsection 3, Article 2); recognition of state property as federal property or as property of subjects of the Russian Federation shall be exercised pursuant to a procedure prescribed by law (Subsection 5, Article 214). The similar approach is enshrined in Section 11 (33), Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, pursuant to which, in relations on the transfer of property under this Article the norms of the Civil Code of the Russian Federation shall be applied to the extent that they do not contradict to the provisions of this Article.

Therefore, the division of state property and the regulation of transfer of possessions due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation shall be exercised under special norms of federal laws as well as laws and other normative acts of subjects of the Russian Federation adopted on matters of joint competence. The law-enforcement practice of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation shall be based precisely on these acts.

At the same time, within the meaning of Articles 5 (Section 3), 8 (Section 2), 11 (Section 2), 55 (Section 3), 71 (Subsection “e”), 72 (Subsection “d”, Section 1) and 73 of the Constitution of the Russian Federation, the right of property of the subjects of the Russian Federation may be restricted by the federal law if such restriction is necessary to protect the constitutional values and is proportionate to the constitutional aims for which it is imposed. Here, the federal law is a normative act of general effect, which is to be adopted in the area of

joint competence and which defines specific powers and competence of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation on issues of division of state property and transfer of possessions due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation. The federal law, which divides state property and establishes a procedure for transfer of possessions due to the division of powers, shall ensure a balance between the interests of the Russian Federation and its subjects. At the same time, pursuant to the constitutional requirements of recognition and protection of state property of the subjects of the Russian Federation, the powers of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation on the division of state property and transfer of possessions at no cost shall be divided and exercised as matters of joint competence. This needs to be done in order to ensure consideration and coordination of the interests of the Russian Federation and subjects of the Russian Federation.

3. In the process of Russia's evolution as a federal state and the development of the economic foundations of the constitutional order, the division of unified state property into property of the Russian Federation and property of the subjects of the Russian Federation (and then into property of municipal entities as well) has been exercised.

Pursuant to the Law of the USSR "On Property in the USSR" of 6 March 1990 and the Law of the RSFSR "On Property in the RSFSR" of 24 December 1990 the possessions in the state property of the RSFSR were assigned to the property of the Russian Federation, republics within the Russian Federation, autonomous regions and autonomous areas, territories and regions, respectively. The underlying criterion for the division was the level of the bodies of state power and administration which had the competence over certain possessions. Later, the division of unified state property and transfer of different objects (types) of possessions to federal property and the property of the subjects of the Russian Federation was exercised on the basis of Decree of the Supreme Soviet of the Russian Federation No. 3020-1, "On Division of State Property in the Russian Federation into Federal Property, State Property of Republics within the Russian Federation, Territories, Regions, Autonomous Regions, Autonomous Areas, Moscow and Saint Petersburg, and Municipal Property" of 27 December 1991, and Order of the President of the Russian Federation No. 114-rp, "On Adoption of the Regulations on Determining of Itemized Composition of Federal, State and Municipal Property and On the Procedure of Registration of the Rights of Property" of 18 March 1992. Annexes 1 and 2 to the mentioned Decree of the Supreme Soviet of the Russian Federation contained a list of objects which fall exclusively within federal property and the objects which may be transferred to the property of subjects of the Russian Federation.

3.1. Exercising the division of competence and powers, and, consequently, the division of state property, between bodies of state power of the Russian Federation and bodies of state power of the subjects of Russian Federation subjects, pursuant to the Constitution of the Russian Federation, the federal legislator directly, in the federal law, indicates which possessions may be in public property of a certain level of power, itemized composition of the possessions attributed to the respective public owner, and establishes an order (procedure) for transfer of possessions from federal property to the property of subjects of the Russian Federation and from the property of subjects of the Russian Federation to the property of the Russian Federation.

Consequently, the Federal Law “On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation” of 6 October 1999 defined which possessions may be owned by a subject of the Russian Federation, and at the same time it emphasized that special features of the acquisition, exercise and termination of the right of property of the subject of the Russian Federation shall be prescribed by federal law (Subsections 1, 2 and 4 of Article 26<sup>11</sup>).

The Federal Law of 4 July 2003 “On Amendments to the Federal Law ‘On the General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation’” re-distributed the powers to exercise certain state functions between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation. After that, Federal Law No. 122-Φ3 of 22 August 2004 provided for a procedure to transfer possessions, at no cost, from federal property to the property of the subjects of the Russian Federation and from the property of the subjects of the Russian Federation to federal property.

Pursuant to Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, federally owned possessions, which due to the division of powers between federal bodies of state power and bodies of state power of the subjects of the Russian Federation may be in the property of subjects of the Russian Federation, shall be transferred at no cost to their property if these possessions are prohibited to be federally owned and if the mentioned possessions are used by bodies of state power of the subjects of the Russian Federation for purposes defined pursuant to Article 26<sup>11</sup> of the Federal Law “On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation” of 6 October 1999. In its turn, federal property may include possessions necessary to ensure the activity of federal bodies of state power exercising these powers within their competence established by the Constitution of the Russian Federation and legislative acts of the Russian Federation, which define their status, and to ensure the strategic interests of the Russian

Federation in defense of the country and security of the State, protection of morals, health, the rights and lawful interests of others (Section 11 (1) – (4), (6) – (8)).

Federal Law No. 122-Φ3 of 22 August 2004 does not contain a list of types of possessions and specific objects of property of the subject of the Russian Federation which shall be transferred to federal property. The list of objects to be transferred shall be determined pursuant to federal laws adopted within the competence of the Russian Federation, federal laws adopted within the joint competence, and laws and other normative acts of subjects of the Russian Federation. The determination process shall be part of the law-enforcement activity of bodies of state power of the Russian Federation and bodies of state power of the subjects of Russian Federation.

3.2. The provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, which are the subject-matter for consideration in the present case and which establish an order (procedure) for no-cost transfer of possessions from the property of subjects of the Russian Federation to federal property, in particular, stipulate that possessions owned by subjects of the Russian Federation, which may be in federal property, shall be transferred at no cost to federal property if these possessions are prohibited to be in the property of subjects of the Russian Federation *inter alia* due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of Russian Federation, or if these possessions are used by federal bodies of state power, federal state unitary enterprises, federal state institutions for purposes defined pursuant to this Federal Law (Section 11 (9) – (11));

The procedure for the transfer of possessions from the property of subjects of the Russian Federation includes, firstly, submission of a proposal to transfer the possessions by body of state power of the Russian Federation to a federal body of the executive power which exercises the rights of the owner of the possessions, and, secondly, a decision to be taken by a federal body of the executive power to transfer the possessions (Section 11 (15) – (17) an (19). At the same time, the transfer of possessions which are not included in the respective proposals from the property of the subjects of the Russian Federation to the property of the Russian Federation is prohibited (Section 11 (18)).

Within the meaning of the mentioned provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004 taken in conjunction with its other provisions, no-cost transfer of state property implies the necessity to coordinate actions of the relevant bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation. Thereby, ensuring, under the Constitution of the Russian Federation, a balance of interests of the Russian Federation and its subjects, the federal legislator excluded a possibility for a federal body of the executive power to adopt a decision on free transfer of certain

possessions in the property of the subjects of the Russian Federation to federal property unilaterally.

The fact that the legislator has precisely this intent (to prohibit transfer of possessions against the will of a subject of the Russian Federation, who is the possessor) is confirmed by statements of representatives of the State Duma, the Council of the Federation and the President of the Russian Federation made during the examination of the present case by the Constitutional Court of the Russian Federation. The Government of the Russian Federation relying on the same approach in Decree No. 374 of 13 June 2006 prescribed that a proposal by a body of state power of a subject of the Russian Federation on the transfer of possessions owned by a subject of the Russian Federation to federal property is necessary for a federal body of the executive power to take a decision to transfer the possessions from the property of the subject of the Russian Federation to federal property (Subsection 2 “a”).

3.3. During the transfer of possessions from the property of Russian Federation subjects to federal property pursuant to a procedure prescribed by the provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, the owner’s rights are protected by Article 35 (Sections 2 and 3) of the Constitution of the Russian Federation. This Article guarantees everyone’s right to have property, and the exercise of the related rights. This Article equally provides for guarantees for holders of this right in cases of deprivation of possessions, in particular, in case of compulsory taking of the possessions for federal needs.

The procedure of state-owned property transfer established by the provisions under review excludes the necessity to adopt a judicial decision in every single case and payment of an equal compensation. This approach conforms to the nature of public law relations between the Russian Federation and subjects of the Russian Federation concerning the division of state property and transfer of possessions due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation. In particular, possessions owned by a respective public entity are intended to be used to perform state functions by bodies of public power within their competence. Consequently, as a result of the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation within the context of these functions, it is possible to transfer, at no cost, the possessions necessary to exercise the respective powers for purposes of the most efficient use of these possessions in common public interests.

A dispute over the right of property (lawfulness of possession) which might be transferred to federal property or property of subjects of the Russian Federation due to the division of powers between bodies of state power of the Russian Federation and bodies of state

power of the subjects of the Russian Federation, shall be resolved by court in the order prescribed by the legislation in force.

3.4. Therefore, the procedure of no-cost transfer of possessions owned by subjects of the Russian Federation to federal property, prescribed by Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation implies the need for the subject of the Russian Federation to express its will for such transfer, an agreement between federal bodies of state power and bodies of state power of the subjects of the Russian Federation and does not permit compulsory taking of possessions owned by subjects of the Russian Federation. Therefore the respective procedure may not be considered as violating the constitutional powers of subjects of the Russian Federation and the guarantees of state property of subjects of the Russian Federation, including those of Articles 5 (Section 3), 8 (Section 2), 35 (Section 2 and 3), 55 (Section 3) and 72 (Subsection (d) Section 1) of the Constitution of the Russian Federation.

Concluding from the above and pursuant to Article 6, Sections 1 and 2, Article 71, Articles 72, 74, 75, 79 and 87 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation

h e l d :

1. To recognize the provisions of Section 11 (9), (10), (11), (15), (16), (19), (21), (22), (23) – (27), (29), (30), (31) and (33), Article 154 of Federal Law No. 122-Φ3 of 22 August 2004, “On Amendments to Legislative Acts of the Russian Federation and Annulment of Certain Legislative Acts of the Russian Federation due to the Adoption of the Federal Laws ‘On Amendments to the Federal Law ‘On the General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation’ ’ and ‘On General Principles of Organization of Local Self-Government in the Russian Federation’ (as amended by the Federal Law “On Amendments to Certain Legislative Acts of the Russian Federation due to Enhancement of Division of Competences” of 31 December 2005) to the extent that they establish a procedure of transfer, at no cost, of possessions in the property of subjects of the Russian Federation to federal property due to the division of powers between bodies of state power of the Russian Federation and bodies of state power of the subjects of Russian Federation as conforming to the Constitution of the Russian Federation since these provisions, within their constitutional meaning in the system of legal regulation in force, imply the need for a subject of the Russian Federation to express its will for such transfer.

The constitutional meaning of the provisions of Section 11, Article 154 of Federal Law No. 122-Φ3 of 22 August 2004 established in the present Judgment is generally binding and precludes any other interpretation in the law-enforcement practice.

2. This Judgment shall be final and shall not be subject to any appeal, it shall come into force immediately upon pronouncement, shall be directly applicable, and shall not require confirmation by other authorities or state officials.

3. Pursuant to Article 78 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, this Judgment shall be published immediately in the Collection of Laws of the Russian Federation and *Rossiyskaya Gazeta*. The Judgment shall also be published in the Bulletin of the Constitutional Court of the Russian Federation.

Constitutional Court  
of the Russian Federation

No. 8-II