

IN THE NAME OF THE RUSSIAN FEDERATION

CONSTITUTIONAL COURT  
OF THE RUSSIAN FEDERATION

Decision

of 11 November 2008 No. 556-O-II

On clarification of the Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 in the case concerning the review of the constitutionality of the provisions of Articles 16, 20, 112, 336, 376, 377, 380, 381, 382, 383, 387, 388 and 389 of the Civil Procedure Code of the Russian Federation.

Saint Petersburg, 11 November 2008

The Constitutional Court of the Russian Federation composed of President V. D. Zorkin and Judges N. S. Bondar, G. A. Gadzhiev, Yu. M. Danilov, G. A. Zhilin, S. M. Kazantsev, M. I. Kleandrov, L. O. Krasavchikova, S. P. Mavrina, N. V. Melnikov, Yu. D. Rudkin, N. V. Seleznev, A. Ya. Sliva, V. G. Strekozov, O. S. Khokhryakova, V. G. Yaroslavtsev,

in the attendance of I. A. Antropenko, PhD in Law, representative of the Mezhhregionalnaya Raspredelitel'naya Kompaniya Sibiri OJSC (the legal successor of the Khakasenergo OJSC, who lodged, with the Constitutional Court of the Russian Federation, a request to clarify Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007),

pursuant to Subsection 7, Section 1, Article 3, Section 1, Article 21, Sections 1 and 2, Article 83 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation",

in an open hearing, examined the issue of clarifying Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 in the case concerning the review of the constitutionality of the provisions of Articles 16, 20, 112, 336, 376, 377, 380, 381, 382, 383, 387, 388 and 389 of the Civil Procedure Code of the Russian Federation.

Having heard the report of Judge-Rapporteur O. S. Khokhryakova, statements by the representative of the OJSC Mezhhregionalnaya Raspredelitel'naya Kompaniya Sibiri, interventions by A. N. Kharitonov, Permanent Representative of the State Duma to the Constitutional Court of the Russian Federation, Ye. V. Vinogradova, PhD in Law, Representative of the Council of the Federation, M. V. Krotov, Plenipotentiary Representative of the President of the Russian Federation to the Constitutional Court of the Russian Federation, A. R. Sultanov, representative

of the Nizhnekamskneftekhim OJSC, M.-S. A. Abakarov and E. A. Sizikov, the Constitutional Court of the Russian Federation

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

1. In Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 in the case concerning the review of the constitutionality of the provisions of Articles 16, 20, 112, 336, 376, 377, 380, 381, 382, 383, 387, 388 and 389 of the Civil Procedure Code of the Russian Federation upon a request of the Cabinet of Ministers of the Tatarstan Republic, complaints of the Nizhnekamskneftekhim OJSC and Khakasenergo OJSC and complaints of M.-S. A. Abakarov and other individuals, the Constitutional Court of the Russian Federation recognized Article 389 of the Civil Procedure Code of the Russian Federation applied in the cases of certain applicants, including the Khakasenergo OJSC, as conforming to the Constitution of the Russian Federation. Pursuant to this Article, the President or a Deputy President of the Supreme Court may lodge, with the Presidium of the Supreme Court, a reasoned request for supervisory review of judicial acts in order to ensure unity of the judicial practice and legality. This provision is constitutional to the extent that the power provided for by this Article shall be exercised only under an application by interested persons according to the general rules of Chapter 41 of this Code, including time-limits established by Section 2, Article 376, Section 1, Article 381 and Section 1, Article 382 for appealing to the supervisory review court, requesting the record of the case from an inferior court and rendering a decision upon consideration of the case. Further, it is implied that the President of the Supreme Court of the Russian Federation or the Deputy President of the Supreme Court of the Russian Federation, who lodged an application request, may not participate in the examination of the merits of the case by the Presidium of the Supreme Court of the Russian Federation (Subsection 6 (1) of the holding).

The Constitutional Court of the Russian Federation also ruled that the constitutional meaning of Article 389 of the Civil Procedure Code of the Russian Federation established by the Judgment is generally binding and precludes any other interpretation in the law-enforcement practice (Subsection 7 of the holding), and the law-enforcement decisions delivered in the applicants' cases on the basis of Article 389 of the Civil Procedure Code of the Russian Federation, applied in an interpretation diverging from its constitutional meaning, shall be reconsidered according to the established order if there are no other obstacles to it (Subsection 10 of the holding).

Further, Subsection 6 (2) of the holding of the Judgment of the Constitutional Court of the Russian Federation stated that the federal legislator reforming supervisory review

proceedings, including the procedures for initiating supervisory review of judicial decisions in the Presidium of the Supreme Court of the Russian Federation and pursuing the aims of uniform application of the law and giving due regard to the Constitution of the Russian Federation and the Judgment, shall provide detailed regulation of the exercise of powers under Article 389 of the Civil Procedure Code of the Russian Federation.

This imperative was taken into account by the federal legislator in Federal Law No. 330-Φ3 of 4 December 2007, “On Amendments to the Civil Procedure Code of the Russian Federation”, which amended Article 389 of the Civil Procedure Code of the Russian Federation.

2. The Khakasenergo OJSC applied to the Constitutional Court of the Russian Federation with a complaint about violation of the constitutional rights and freedoms by Article 389 of the Civil Procedure Code of the Russian Federation. The Presidium of the Supreme Court of the Russian Federation examined the requests of the Deputy President of the Supreme Court of the Russian Federation lodged under this Article and, by its decisions of 30 November 2005, annulled the decision of the judge of the Sayanogorsky Town Court of the Khakasiya Republic to consider the cases upon applications of the Khakasenergo OJSC, and the decisions of the Sayanogorsky Town Court of the Khakasiya Republic of 21 August 2002, which were rendered in these cases and established the fact that the Khakasenergo OJSC was the lawful possessor of certain power industry facilities. The supervisory review court discontinued the proceedings in these cases and stated that these disputes should be examined by an arbitration court. The cases were not reviewed on cassation. No supervisory review complaints against the decisions of the first instance court (on the basis of which the property title of the Khakasenergo OJSC to the respective immovable objects was registered) were submitted to the Supreme Court of the Russian Federation.

The Presidium of the Supreme Court of the Russian Federation dismissed the request of the Khakasenergo OJSC to reconsider the decision by the Presidium of the Supreme Court of the Russian Federation of 30 November 2005 under newly discovered circumstances. The applicant believed that Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 should constitute a newly discovered circumstance; however, the Presidium of the Supreme Court of the Russian Federation found the argument unpersuasive. The Presidium of the Supreme Court of the Russian Federation concluded that Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 did not constitute a newly discovered circumstance since the conclusions in this Judgment concerning the conditions under which the powers provided by Article 389 of the Civil Procedure Code of the Russian Federation may be exercised are addressed exclusively to the federal legislator. Consequently, these facts “objectively could not be taken into account” at the time the Deputy President of the Supreme

Court of the Russian Federation lodged the request for review of the judicial decisions rendered by the Sayanogorsk City Court of the Khakasiya Republic in the case of the Khakasenergo OJSC, and consideration of these requests of the Presidium of the Supreme Court of the Russian Federation.

The Khakasenergo OJSC requests the Constitutional Court of the Russian Federation to give official clarifications of Subsections 6, 7 and 10 of the holding in Judgment No. 2-II of 5 February 2007 and answer the following questions: Shall Article 389 of the Civil Procedure Code of the Russian Federation, which has not been recognized as contradicting the Constitution of the Russian Federation, be applied in its constitutional meaning established in the Judgment, taking into account that the federal legislator shall provide detailed regulation of the order of exercising the power provided by this Article in amending the supervisory review proceedings?; Does the Judgment have retroactive force for judicial decisions rendered in the applicant's cases, i.e. shall these judicial decisions be reconsidered? And if yes, in which procedure, since the Civil Procedure Code of the Russian Federation does not expressly regulate reconsideration on these grounds?

Taking into account that Subsections 6 and 7 of the holding in Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 have been interpreted by the Presidium of the Supreme Court of the Russian Federation and served as a basis for a refusal to reconsider the respective law-enforcement decisions in the case of the Khakasenergo OJSC, which made it impossible to enforce the imperative of Subsection 10 of the holding of this Judgment, the Constitutional Court of the Russian Federation, guided by Article 83 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", finds it necessary to eliminate the discovered uncertainty concerning the legal force of these imperatives and to provide official clarifications.

3. Due to supremacy and direct effect of the Constitution of the Russian Federation (Section 2, Article 4; Articles 15 and 120 of the Constitution of the Russian Federation) the constitutional interpretation of the applicable legal norms shall be ensured in judicial practice. Accordingly, under the mentioned principles a court of general jurisdiction or an arbitration court considering a particular case reveals the constitutional meaning of the norm and applies it exactly within this constitutional interpretation. If a court concludes that the application of the norm would lead to violating certain provision of the Constitution of the Russian Federation, i.e. the norm has an unconstitutional meaning, the court, as required by Article 125 of the Constitution of the Russian Federation and Articles 3, 101 and 103 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", is obliged to either resolve the case on the basis of the Constitution of the Russian Federation or to stay the proceedings on the

case and lodge a request with the Constitutional Court of the Russian Federation. The court must do so since Articles 120, 125, 126 and 127 the Constitution of the Russian Federation prescribe that only within constitutional proceedings a norm may be recognized as conforming or on the contrary non-conforming to the Constitution of the Russian Federation and therefore lose its legal force.

Considering both the literal meaning of the norm under review and its official and other interpretation (including interpretation of the norm in a particular case or in judicial practice) and taking into consideration its place in the system of norms (Section 2, Article 74 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”), the Constitutional Court of the Russian Federation recognizes a norm constitutional (conforming to the Constitution of the Russian Federation) or unconstitutional (non-conforming to the Constitution of the Russian Federation) and thus establishes its constitutional or unconstitutional meaning, which shall be reflected in the holding of a decision (Subsection 10, Section 1, Article 75 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”).

At the same time, if the Constitutional Court of the Russian Federation establishes that the unconstitutional meaning is acquired by a norm due to its interpretation by a law-enforcement authority in a manner diverging from the Constitution of the Russian Federation, the Court has the power to restore the constitutional interpretation of the norm by recognizing it conforming to the Constitution of the Russian Federation within the constitutional interpretation established in the constitutional proceedings. In these cases, the Constitutional Court of the Russian Federation does not remove the norm from the legal system in order not to substantially affect the functioning of the legal system as a whole and create difficulties to law-enforcement, in particular, if there is a regulatory gap which needs to be eliminated.

A decision of the Constitutional Court of the Russian Federation by which the constitutionality of a norm is affirmed in the interpretation established by the Court and which precludes any other, i.e. unconstitutional, interpretation and consequently precludes application of the norm in the unconstitutional interpretation, to this extent has the same consequences as recognition of a norm as non-conforming to the Constitution of the Russian Federation.

4. Within the meaning of Articles 118 and 125 (Sections 4 and 6) of the Constitution of the Russian Federation, Subsection 3, Section 1, Article 3, Article 6, Section 2, Article 74, Sections 2 and 3, Article 79 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, a norm which is recognized as conforming to the Constitution of the Russian Federation in its constitutional interpretation established by the Constitutional Court of the Russian Federation remains in force and has effect (shall be applied) exactly within the limits of its constitutional interpretation. Any other understanding of the consequences of the

constitutional interpretation of the norm would permit application of the norm contrary to the Constitution of the Russian Federation and would not correspond to the legal nature and legal force of the decisions of the Constitutional Court of the Russian Federation which are binding on the whole of the territory of the Russian Federation for all representative, executive and judicial authorities, directly applicable and requiring no confirmation by other authorities and state officials. Consequently, a norm the constitutional meaning of which is established by the Constitutional Court of the Russian Federation may have effect and be applied only within the normative unity with the decision of the Constitutional Court of the Russian Federation which affirmed its constitutionality.

The requirements of direct effect and strict observation of the Constitution of the Russian Federation, enshrined in its Article 15 (Sections 1 and 2), are addressed not only to the legislator, but equally to other bodies and officials of state power. Therefore, the Constitutional Court of the Russian Federation, which has the exclusive competence to recognize normative acts unconstitutional, devoid of legal force and, accordingly, invalid and inapplicable (Article 125 of the Constitution of the Russian Federation), may not be deprived of the possibility to establish the constitutional regime of applying the norm which has been recognized as conforming to the Constitution of the Russian Federation in order to preclude unconstitutional interpretation of this norm in law-enforcement practice.

Consequently, Section 2, Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, implies that, according to the results of the constitutional proceedings, it is mandatory for courts of general jurisdiction and arbitration courts to reconsider the decision in the applicants’ cases to the extent that these decision relied on an unconstitutional interpretation of the norm and violated the constitutional rights and freedoms of the citizens and public interests. The Constitutional Court of the Russian Federation has repeatedly stated that law-enforcement decisions based on an act which a court of general jurisdiction or an arbitration court in consideration of a particular case has given an interpretation not conforming to the Constitution of the Russian Federation, i.e. divergent from its constitutional meaning subsequently established by the Constitutional Court of the Russian Federation, shall be reconsidered in the established procedure with due regard to the legal opinion of the Constitutional Court of the Russian Federation. Refusal of such reconsideration by courts of general jurisdiction and arbitration courts would *de facto* reaffirm the interpretation of the act in the meaning divergent from the meaning established in the constitutional proceedings, i.e. non-conforming to the Constitution of the Russian Federation. *Ipsa facto* courts of general jurisdiction and arbitration courts would override the decision of the Constitutional Court of the Russian Federation, which is prohibited under Articles 118, 125, 126, 127 and 128 of the

Constitution of the Russian Federation (Judgment No. 1-II of 25 January 2001, decisions No. 34-O of 6 February 2003, No. 78-O of 5 February 2004, No. 211-O of 27 May 2004, No. 242-O of 9 July 2004, No. 135-O of 12 May 2006, No. 171-O-II of 3 April 2007, No. 827-O-II of 1 November 2007, etc.).

5. The legal consequence of the Constitutional Court of the Russian Federation decision which establishes the constitutional interpretation of a norm, is termination of its legal force (and, therefore, its application) in its unconstitutional interpretation and, consequently, loss of force for the future in any other previously existing meaning diverging from the established constitutional interpretation. As a general rule and under Sections 1 and 3, Article 79 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, such a norm shall not be interpreted in any other way and shall not be applied with any other meaning from the moment when the decision of the Constitutional Court of the Russian Federation enters into force.

At the same time, the Constitutional Court of the Russian Federation has the power to determine, in the decision, both the procedure for its entry into force and the order, terms and peculiarities of its enforcement (Subsection 12, Section 1, Article 75 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”). The Constitutional Court of the Russian Federation equally has the power to postpone enforcement of the decision, which may be necessitated, in particular, by the need to ensure stability of the legal relations in the interests of certain persons.

Since the Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 did not impose any such conditions, in the present case the general order of executing decisions of the Constitutional Court of the Russian Federation provided by Article 79 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” is applicable.

6. As follows from the provisions of Sections 4 and 6, Article 125 of the Constitution of the Russian Federation, Section 3, Article 79 and Section 2, Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” and legal opinions formulated on their basis and expressed in Decision of the Constitutional Court of the Russian Federation No. 78-O of 5 February 2004, a decision of the Constitutional Court of the Russian Federation which terminated the legal force of a norm in its unconstitutional interpretation by establishing its constitutional meaning has retroactive force for applicants who applied to the Constitutional Court of the Russian Federation, i.e. it has the same consequences as a decision which recognized a norm as non-conforming to the Constitution of the Russian Federation. In any event, the cases of these applicants shall be reconsidered by the competent authorities

irrespective of expiration of the prescribed terms for applying to these authorities and regardless of whether the relevant grounds for reconsideration of the case are provided in other acts besides the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”.

The imperative of Subsection 6 (2), holding of Judgment No. 2-II of 5 February 2007, addressed to the federal legislator concerning possible and necessary amendments to the procedure established by Article 389 of the Civil Procedure Code of the Russian Federation, shall not be considered within a period before new legal regulation is enacted as a basis for non-observance by the law-enforcement authorities of the requirements of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” on mandatory and direct application of Article 389 of the Civil Procedure Code of the Russian Federation in its constitutional meaning established by the Constitutional Court of the Russian Federation.

According to Subsection 8 of the holding of the Judgment, any other approach would lead to arbitrary application of the norm and, consequently, to uncertainty in substantive legal relations under dispute and the procedural legal relations in litigation. Equally, unrestricted reconsideration of judicial decisions which entered into force could take place in violation of the principles of fair trial and legal certainty. All this would result in impermissible restrictions of the right to judicial protection, which does not conform to the requirements of Articles 19 (Section 1 and 2), 46 (Section 1 and 2), 55 (Section 3), 118 (Section 1) and 123 (Section 3) of the Constitution of the Russian Federation. This is precisely the reasoning on which Subsection 10 of the holding of the Judgment relies, which orders mandatory reconsideration of law-enforcement decisions in the cases of applicants who challenged the constitutionality of Article 389 of the Civil Procedure Code of the Russian Federation, including the Khakasenergo OJSC.

The Constitutional Court of the Russian Federation did not condition the entry into force of Subsection 6 (1) of the holding of Judgment No. 2-II of 5 February 2007 by adoption of amendments to the Civil Procedure Code of the Russian Federation, which would provide detailed regulation of the order of exercising the power provided by Article 389. Accordingly, the absence of a new regulation should not be considered by the law-enforcement authorities, including the Supreme Court of the Russian Federation, as an obstacle to reconsideration of the applicants’ cases taking into account the constitutional interpretation of Article 389 of the Civil Procedure Code of the Russian Federation established by the Constitutional Court of the Russian Federation. Such interpretation of Subsection 6 of the holding of the Judgment would not conform to its actual meaning, *inter alia* if taken in conjunction with other conclusions in the reasoning and holding of the Judgment.

7. The fact that the Civil Procedure Code of the Russian Federation does not provide for such ground of case reconsideration as establishing, by the Constitutional Court of the Russian Federation, of the constitutional meaning of the provisions which the norm did not previously acquire in the law-enforcement practice, may not serve as a ground for refusal to reconsider it. Otherwise, contrary to the requirements and purpose of Article 125 (Section 4 and 6) of the Constitution of the Russian Federation and Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, it would be impossible to execute a decision of the Constitutional Court of the Russian Federation and therefore defeat the purpose of applying to the Constitutional Court of the Russian Federation by making illusory remedy of the rights of citizens and their associations by means of constitutional justice.

The provision of Section 2, Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, which defines consequences of decisions by the Constitutional Court of the Russian Federation, shall be applicable in any administrative procedures and any type of judicial proceedings established under the Constitution of the Russian Federation. Pursuant to Articles 15 (Section 1) and 76 (Section 3) of the Constitution of the Russian Federation, the mentioned provision has priority over the Civil Procedure Code of the Russian Federation which is a federal law. The reference to Section 2, Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, in the Judgment implies that the order to reconsider the applicants’ cases shall be executed, *inter alia* on the basis of procedural analogy (in the absence of adequate procedures established by the Civil Procedure Code of the Russian Federation).

Federal Law No. 330-Φ3 of 4 December 2007, “On Amendments to the Civil Procedure Code of the Russian Federation”, amended the list of grounds for reconsideration of civil cases under newly discovered circumstances by including in it recognition, by the Constitutional Court of the Russian Federation, of the law applied in a certain case in connection with the delivery of a judicial decision against which the applicant applied to the Constitutional Court of the Russian Federation as non-conforming to the Constitution of the Russian Federation. Thereby, pursuant to Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, nothing precludes courts of general jurisdiction from reconsidering judicial decisions based on the provision applied by a court in a certain case in an interpretation diverging from its constitutional meaning established by the Constitutional Court of the Russian Federation. Such judicial decisions shall be reconsidered according to the general procedure, which is in the present case reconsideration under newly discovered circumstances established by Chapter 42 of the Civil Procedure Code of the Russian Federation (Subsection 5, Section 2, Article 392) taken in conjunction with Section 4, Article 1 of the Code.

8. The present Decision providing official clarification of Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 eliminates the discovered uncertainty as to the law-enforcement interpretation of imperatives of Subsections 6, 7 and 10 of its holding, *inter alia* concerning the procedure for enforcement of these imperatives (review of the law-enforcement decisions delivered in the applicants' cases on the basis of Article 389 of the Civil Procedure Code of the Russian Federation in its unconstitutional interpretation). This Decision also ensures enforcement of the Judgment within its authentic meaning and precludes any other diverging interpretation and application of Article 389 of the Civil Procedure Code of the Russian Federation.

Pursuant to Article 125 (Sections 4 and 6) of the Constitution of the Russian Federation taken in conjunction with Section 2, Article 74, Section 2, Article 79 and Article 83 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", the present Decision shall be an integral part of Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 and shall have the same legal force. From the moment of pronouncement of the present Decision, Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 shall be applied in normative unity with the present Decision and taking into account the further interpretation of the clarified imperatives.

Concluding from the above and pursuant to Article 6, Section 4, Article 71, Sections 1 and 2, Article 72, Section 1, Article 79 and Article 83 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. The provisions of Subsection 6 (1) and Subsection 7 of the holding of Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 (taken in conjunction) imply that Article 389 of the Civil Procedure Code of the Russian Federation, recognized by the Constitutional Court of the Russian Federation as conforming to the Constitution of the Russian Federation, from the moment of pronouncement of the Judgment until the federal legislator amends Chapter 41 of the Civil Procedure Code of the Russian Federation, shall be applied by courts of general jurisdiction within its constitutional meaning established by the Constitutional Court of the Russian Federation in the Judgment.

2. The provisions of Subsection 6 (2) of the holding of Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 concerning the federal legislator's possible and necessary detailed regulation of the procedure to exercise the power provided by Article 389 of the Civil Procedure Code of the Russian Federation, might not be a ground for

refusal to apply this Article in its constitutional meaning established by the Constitutional Court of the Russian Federation, before enactment of new legal regulation.

3. Subsection 10 of the holding of Judgment of the Constitutional Court of the Russian Federation No. 2-II of 5 February 2007 taken in conjunction with Subsections 6 and 7 of the Judgment implies that the law-enforcement decisions rendered in the applicants' cases on the basis of Article 389 of the Civil Procedure Code of the Russian Federation in an interpretation diverging from its constitutional meaning, according to Article 100 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", in any case shall be reconsidered according to the established procedure.

4. This Decision shall be final and shall not be subject to appeal.

5. This Decision shall be published in the Collection of Laws of the Russian Federation, *Rossiyskaya Gazeta* and the Bulletin of the Constitutional Court of the Russian Federation.

Constitutional Court  
of the Russian Federation

No. 556-O-II