

**Judgment of the Constitutional Court of the Russian Federation of 7
November 2012 No. 24-II. Resume.**

By the Judgment of 7 November 2012 No. 24-II the Constitutional Court gave appraisal of constitutionality of Section 1 of Article 2 of the Federal Law of 12 February 2001 No. 5-Φ3 *On Amendments to the Law of the Russian Federation On Social Security of Citizens Affected by Radiation in the Chernobyl' Nuclear Power Plant Disaster* in the interpretation attributed to its provisions in the law-applying practices after entering into force of the Judgment of the Constitutional Court of the Russian Federation of 20 December 2010 No. 21-II.

The contested norm stipulated for preservation of the amount of monthly compensations, calculated from the earnings, in reimbursement of damages to health for the Chernobyl' invalids, to whom such payments were fixed before its entering into force and transition to compensations in stable sum with regard to the group of disablement. Herewith the right of invalids in consequence of the Chernobyl' disaster from the number of military servicemen receiving pension for long service, increased on the sum of minimal amount of pension on disablement, to whose number the petitioner also belongs, to reimbursement of the damage to health was recognized by the Constitutional Court in the Judgment of 1 December 1997 No. 18-II. In 2001, compensations in stable sum were fixed to this category of citizens, and for the period preceding introduction of the new regulation, non-received sums were paid, calculated from money allowance. In the Judgment of 20 December 2010 No. 21-II, the Constitutional Court came to the conclusion that the contested norm can not be regarded as hindering prescription to the indicated Chernobyl' invalids of monthly monetary compensations in the same amount in which the non-received sums of reimbursement of damage to health were calculated for them (proceeding from the money allowance with regard to the extent of the loss of professional ability to work). However, another meaning was attributed to the said provision in the law-applying practices also after entering into force of this decision of the Constitutional Court.

According to the decision passed by the Constitutional Court, the contested legislative provisions do not conform to the Constitution of the Russian Federation to the extent to which they, in the interpretation disagreeing with their constitutional law meaning revealed in the Judgment of the Constitutional Court of 20 December 2010 No. 21-II, retaining its force, serve as a ground for refusal to fix for invalids in consequence of the Chernobyl' disaster from the number of military servicemen, getting pension for long service, increased on the sum of the minimal pension on disablement, whose right was recognized by the Constitutional Court in the Judgment of 1 December 1997 No. 18-II, but who did not appeal for establishment of corresponding payments before entering of this Federal Law into force, a monthly monetary compensation in reimbursement of damage caused to

health in connection with carrying out works for liquidation of the consequence of the Chernobyl' power plant disaster in the same amount in which non-received sums of reimbursement of damage to health were calculated for them (proceeding from the money allowance with regard to the extent of the loss of professional ability to work).

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