

**Judgment of the Constitutional Court of the Russian Federation of 15
November 2012 No. 26-II. Resume.**

By the Judgment of 15 November 2012 No. 26-II the Constitutional Court gave appraisal of constitutionality of the provision of Section 2 of Article 10 of the Federal Law *On the State Civil Service of the Russian Federation*.

The petitioner contested normative provision, according to which the list of posts of the State civil service of a subject of the Russian Federation is approved by a law or another legal act of the subject of the Russian Federation with regard to the provisions of this Federal Law, as well as the structure of State bodies, names, categories and groups of posts of the State civil service of the Russian Federation established by the List of Posts of the Federal State Civil Service.

The Constitutional Court by its decision has recognized the contested provision as not contradicting the Constitution of the Russian Federation to the extent to which it is directed at the realization of constitutional principles of unity of the system of the State power and unity of the system of the executive power, ensuring convenience for citizens when they appeal to the bodies of State power for the protection of their rights, freedoms and lawful interests and creation of the conditions for equal access of citizens of the Russian Federation to the State civil service.

At the same time, having pointed at the absence in the operating legal regulation of normative provisions rendering concrete the procedure of the use of the List of Posts of the Federal State Civil Service in order to determine the content of the lists of posts of the State civil service of the subjects of the Russian Federation, the Constitutional Court has recognized the contested normative provision as not conforming to the Constitution of the Russian Federation to the extent to which the requirement established by it to take into account the structure of State bodies, names, categories and groups of posts of the State civil service of the Russian Federation established by the List of Posts of the Federal State Civil Service, is regarded in the judicial practice as implying the need to ensure identity of the system of the State civil service of a subject of the Russian Federation with the system of the federal State civil service.

Until the necessary amendments to the legal regulation are made, the application of the List of Posts of the Federal State Civil Service in order to determine the content of the list of posts of the State civil service of a subject of the Russian Federation, as well as for its estimation, including in the procedure of the judicial normative control, must in no event restrict the possibility of the subjects of the Russian Federation to institute posts of the State civil service in the State bodies of a subject of the Russian Federation, not comparable in structure and exercised functions with the State bodies indicated in the List of Posts of the Federal State Civil Service, as well as oblige them to literally reproduce the provisions of the

List of Posts of the Federal State Civil Service as applied to bodies of State power of a subject of the Russian Federation not entering into the unified system of the executive power in the Russian Federation.

15 November 2012