

**Judgment of the Constitutional Court of the Russian Federation of 6
December 2013 No. 27-II. Resume.**

By the Judgment of 6th December, 2013 No. 27-II the Constitutional Court gave appraisal of constitutionality of the provisions of Article 11 and Items 3 and 4 of Section 4 of Article 392 of the Civil Procedure Code of the Russian Federation

The legislative provisions contested by the petitioner were the subject-matter of consideration by the Constitutional Court to the extent to which they serve for court of general jurisdiction as a ground for adoption of a decision on reconsideration of a judicial decision having entered into legal force, as a consequence of establishment by the European Court of Human Rights (hereinafter referred to as “the European Court”), having resolved the petitioner’s case, of violation in his respect of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as “the Convention”) in the presence of a decision of the Constitutional Court, containing conclusion on absence of violation in a particular case of constitutional rights of the same petitioner by the provisions of the legislation of the Russian Federation, whose application, in the European Court’s opinion, leads to restriction of rights of persons falling under operation of these legislative provisions, incompatible with requirements of the Convention.

The proceeding on the case in the part concerning review of constitutionality of Item 3 of Section 4 of Article 392 of the Civil Procedure Code of the Russian Federation was discontinued.

By the decision of the Constitutional Court the contested provisions have been recognized as not contradicting the Constitution of the Russian Federation, in so far as they do not hinder a court of general jurisdiction to begin, upon application of a citizen whose complaint to the Constitutional Court was earlier recognized as not answering the criterion of admissibility, proceeding on reconsideration on new circumstances of a judicial decision having entered into legal force, in connection with establishment by the European Court of breach of the provisions of the Convention in relation to this citizen when considering respective civil case by court of general jurisdiction.

The Constitutional Court has pointed out that, should the court of general jurisdiction come to the conclusion of impossibility of implementation of the judgment of the European Court without recognition of legislative provisions, in respect of which the Constitutional Court earlier established absence of violation by them of constitutional rights of the petitioner in a particular case, as not conforming to the Constitution of the Russian Federation, it is entitled to suspend the proceeding and petition the Constitutional Court with respective request.

06 December 2013