

**Judgment of the Constitutional Court of the Russian Federation of 17
January 2013 No. 1-II. Resume.**

By the Judgment of 17 January 2013 No. 1-II the Constitutional Court gave assessment of constitutionality of the provision of Section 5 of Article 19.8 of the Russian Federation Code of Administrative Offences

The petitioner contested the legislative norm which provides for a possibility to hold a legal entity administratively liable for a failure to file, with an antimonopoly authority, or for overdue filing of data (information), specified in the antimonopoly legislation of the Russian Federation, as well as for filing of intentionally forged data (information), in the form of an administrative fine in the amount of between 300 000 and 500 000 rubles.

According to the Judgment, rendered by the Constitutional Court, the contested norm does not contradict the Constitution of the Russian Federation insofar as its provisions, securing the achievement of the purposes of administrative punishment, are aimed at establishing sufficient conditions for protection of competition, freedom of economic activity, rights and freedoms of citizens and of associations thereof. At the same time, the contested legislative provision is not in conformity with the Constitution of the Russian Federation to the extent that the minimum amount of the administrative fine, envisaged therein, within the system of legal regulation in force, not conceding the imposition of punishment below the minimum limit of the respective administrative sanction, does not allow to take into due account on all occasions the nature of the committed administrative offence, property and financial status of the legal entity, as well as other relevant and significant circumstances, and, thus, - to impose a just and proportional administrative punishment.

Until the necessary amendments to the Russian Federation Code of Administrative Offences have been adopted, the amount of the administrative fine, imposed on a legal entity for the commitment of an administrative offence envisaged by the contested legislative provision, can be reduced by antimonopoly authority or by court in compliance with the Constitution of the Russian Federation and with the legal positions of the Constitutional Court expressed in the present Judgment.

17 January 2013