

**Judgment of the Constitutional Court of the Russian Federation of 17 June  
2013 No. 13-II. Resume.**

**By the Judgment of 17 June 2013 No. 13-II the Constitutional Court gave appraisal of constitutionality of Section 2 of Article 2 of the Federal Law of 23 December 2010 No. 360-ФЗ *On Amendments to the Federal Law On Supplementary Social Security of Members of Aircrews of Aerial Vessels of Civil Aviation***

The said Federal Law has expounded Section 2 of Article 4 of the Federal Law of 27 November 2001 No. 155-ФЗ “On Supplementary Social Security of Members of Aircrews of Aerial Vessels of Civil Aviation”, determining the object of levying and the base for charging dues, at the expense of which monthly additional payment to pension is made to members of aircrews of aerial vessels of civil aviation receiving pensions (Item 3 of Article 1), in the new wording.

The applicants contested Section 2 of Article 2 of the said Law, according to which operation of the changed normative regulation was extended to legal relations, having arisen as from 1 January 2010, at that it, in contradistinction to previous regulation, did not envisage use of maximum size of payments and other remunerations to members of aircrews of aerial vessels of civil aviation in the amount of 415 000 roubles when determining the base for charging the indicated dues anymore.

The contested legislative provision has been recognized as conforming to the Constitution of the Russian Federation to the extent to which it is aimed at creating conditions for making monthly additional payment to pension of members of aircrews of aerial vessels of civil aviation and thereby – at attainment of the goals of supplementary social security of the indicated category of workmen.

At the same time, this provision has been recognized as not conforming to the Constitution of the Russian Federation to the extent to which it gives retroactive effect to the rules of determination of the base for charging dues which deteriorate the state of payers of the dues for additional payment to pension of members of aircrews of aerial vessels of civil aviation – organizations using the labour of the indicated category of workmen.

Section 2 of Article 4 of the Federal Law “On Supplementary Social Security of Members of Aircrews of Aerial Vessels of Civil Aviation”, expounded in the wording of the contested Federal Law, is not subject to application when determining the base for charging dues for supplementary social security of members of aircrews of aerial vessels of civil aviation for 2010 from the moment of entering of this Judgment of the Constitutional Court into force.

In this case monetary resources, at the expense of which monthly additional payment to pension is made to members of aircrews of aerial vessels of civil aviation, paid in for 2010 by organizations using the labour of the said category of workmen before entering of this Judgment of the Constitutional Court, are not subject to return or reckoning on the strength of future payments.

Sums calculated from the base for charging dues for 2010, exceeding 415 000 roubles, not paid before entering of this Judgment into force, may not be exacted, and the decisions on exacting of respective sums, passed but not executed before entering of this Judgment of the Constitutional Court into force, are not subject to execution.

*17 June 2013*