

**IN THE NAME OF THE RUSSIAN FEDERATION**  
**The Constitutional Court of the Russian Federation**

**Judgment**

**of 22<sup>nd</sup> April, 2014 No.13-II/2014**

**on the case concerning the review of constitutionality of Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation in connection with the request of a group of deputies of the State Duma**

The Constitutional Court of the Russian Federation composed of the President V.D.Zor'kin, Judges K.V.Aranovsky, A.I.Boitsov, N.S.Bondar', G.A.Gadzhiev, Yu.M.Danilov, L.M.Zharkova, G.A.Zhilin, S.M.Kazantsev, M.I.Kleandrov, S.D.Knyazev, A.N.Kokotov, L.O.Krasavchikova, S.P.Mavrin, N.V.Mel'nikov, Yu.D.Rudkin, N.V.Seleznev, O.S.Khokhryakova, V.G.Yaroslavtsev,

in the attendance of the Representative of the Council of Federation – PhD in Law A.S.Salomatkin, the Plenipotentiary Representative of the President of the Russian Federation to the Constitutional Court of the Russian Federation M.V.Krotov,

guided by Article 125 (Item “a” of Section 2) of the Constitution of the Russian Federation, Sub-Item “a” of Item 1 of Section 1, Sections 3 and 4 of Article 3, Section 1 of Article 21, Articles 36, 74, 84, 85 and 86 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”,

in an open session considered the case on the review of constitutionality of Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation.

The reason for the consideration of the case was the request of a group of deputies of the State Duma. The ground for the consideration of the case was the discovered uncertainty of whether the legislative provisions contested in the request are in conformity with the Constitution of the Russian Federation.

Having heard the report of Judge-Rapporteur M.I.Kleandrov, statements by representatives of the party having adopted the contested act, interventions by representatives invited to the hearing: M.A.Mel'nikova for the Ministry of Justice of the Russian Federation, V.V.Kuzin for the Ministry of Internal Affairs of the Russian Federation, A.V.Starovoitov for the Mayor of the City of Moscow, Ya.V.Mezentseva for the Governor of the City of Saint-Petersburg, the Constitutional Court of the Russian Federation

**e s t a b l i s h e d:**

1. Chapter 12 (Articles 12.1 – 12.37) of the Administrative Offences Code of the Russian Federation establishes administrative responsibility for administrative offences in the field of road traffic, in particular:

for non-observance of the requirements prescribed by road signs or marking of carriageway prohibiting stoppage or parking of means of conveyance – administrative fine in the amount of 1,500 roubles (Section 4 of Article 12.16); for the same offence committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 3,000 roubles (Section 5 of Article 12.16);

for non-observance of the requirements prescribed by road signs prohibiting movement of freight means of conveyance – administrative fine in the amount of 500 roubles (Section 6 of Article 12.16); for the same offence committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 5,000 roubles (Section 7 of Article 12.16);

for movement of means of conveyance on the lane for fixed-route means of conveyance or stoppage on the indicated lane in breach of the Road Traffic Rules, with the exception of cases envisaged by Sections 3 – 5 of Article 12.15 of this Code, – administrative fine in the amount of 1,500 roubles (Section 1.1 of Article 12.17); for the same offence committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 3,000 roubles (Section 1.2 of Article 12.17);

for breach of the rules of stoppage or parking of means of conveyance, with the exception of cases envisaged by Section 1 of Article 12.10 and Sections 2 – 6 of Article 12.19 of this Code – notice or administrative fine in the amount of 500 roubles (Section 1 of Article 12.19); for the same offence committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 2,500 roubles (Section 5 of Article 12.19);

for stoppage or parking of means of conveyance on pedestrian crossing and closer than 5 meters in front of it, with the exception of forced stoppage, or for breach of the rules of stoppage or parking of means of conveyance on the pavement – administrative fine in the amount of 1,000 roubles (Section 3 of Article 12.19); for stoppage or parking of means of conveyance in the places of stoppage of fixed-route means of conveyance or closer than 15 meters from these places, with the exception of stoppage for picking up or setting down passengers, forced stoppage – administrative fine in the amount of 1,000 roubles (Section 3.1 of Article 12.19); for stoppage or parking of means of conveyance on tram-lines or further than the first line from the edge of the carriageway, with the exception of forced stoppage, – administrative fine in the amount of 1,500 roubles (Section 3.2 of Article 12.19); for breach of the rules of stoppage or parking of means of conveyance on the carriageway having entailed creation of obstacles for movement of other means of conveyance, as well as for stoppage or parking of a means of conveyance in a tunnel – administrative fine in the amount of 2,000 roubles (Section 4 of Article 12.19); for the indicated offences, if they are committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 3,000 roubles (Section 6 of Article 12.19);

for breach of the rules established for movement of means of conveyance in residential areas – administrative fine in the amount of 1,500 roubles (Section 1 of Article 12.28); for the same offence committed in the city of federal significance Moscow or Saint-Petersburg – administrative fine in the amount of 3,000 roubles (Section 2 of Article 12.28).

Deputies of the State Duma having petitioned the Constitutional Court of the Russian Federation in the procedure of Article 125 (Item “a” of Section 2) of the Constitution of the Russian Federation assert that the said provisions of the Administrative Offences Code of the Russian Federation in the part establishing administrative responsibility for administrative offences envisaged by them committed in the cities of federal significance Moscow and Saint-Petersburg break the principle of legal equality fixed in Articles 6 (Section 2), 19 (Section 2) 55 and 62 (Section 3) of the Constitution of the Russian Federation, so far as introduce on the territory of these subjects of the Russian Federation administrative fines in the amount, increased as compared with fines for the same administrative offences committed in other subjects of the Russian Federation.

Accordingly, proceeding from the requirements of Articles 74 and 85 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the subject-matter of consideration by the Constitutional Court of the Russian Federation in the present case are the provisions of Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation as establishing administrative responsibility in the form of administrative fine in the increased amount for administrative offences indicated in these Articles, if they are committed in the subjects of the Russian Federation – cities of federal significance Moscow and Saint-Petersburg.

2. According to the Constitution of the Russian Federation, regulation and protection of human and civil rights and freedoms, federal conveyance and communication tracks appertain to issues under the jurisdiction of the Russian Federation (Article 71, Items “c” and “i”), on which federal laws and federal constitutional laws are adopted having direct force on the entire territory of the Russian Federation (Article 76, Section 1), and the protection of human and civil rights and freedoms, ensuring legality and legal order, public security, administrative, administrative procedural legislation – to issues of joint jurisdiction of the Russian Federation and its subjects (Article 72, Items “b”, “j” of Section 1),

on which federal laws are adopted and laws and other normative legal acts of subjects of the Russian Federation adopted in accordance with them (Article 76, Section 2).

From the adduced constitutional provisions follows the power of the legislator to establish with constitutionally significant objects measures of responsibility for breach by citizens and juridical persons of prohibitions which are under the protection of administrative-offences legislation, being guided at this, as the Constitutional Court of the Russian Federation pointed out, by general principles of legal responsibility which have universal significance and in their essence appertain to the bases of constitutional legal order (Judgment of 25<sup>th</sup> February, 2014 No. 4-II).

In its turn, to the bases of legal responsibility in the legal system of the Russian Federation belong the provisions of the Constitution of the Russian Federation, according to which every citizen of the Russian Federation shall enjoy all rights and freedoms on its territory and shall bear equal responsibilities as envisaged in the Constitution of the Russian Federation (Article 6, Section 2); the exercise of human and civil rights and freedoms must not violate the rights and freedoms of other people (Article 17, Section 3); all persons shall be equal before the law and the court; the State guarantees the equality of human and civil rights and freedoms, including regardless of place of residence (Article 19, Sections 1 and 2); human and civil rights and freedoms may be limited by federal law only to the extent necessary for the protection of the basis of the constitutional order, morality, health, rights and lawful interests of other people, and for ensuring the defence of the country and the security of the State (Article 55, Section 3).

Accordingly, when establishing measures of administrative responsibility for administrative offences, in particular in the field of road traffic, the legislator is constrained by the principles of legal equality and fairness, as well as the criteria of possible restriction of rights and freedoms following from Articles 17 (Section 3), 19 (Sections 1 and 2) and 55 (Section 3) of the Constitution of the Russian Federation, observance of which admits differentiation leading to distinctions in

rights and duties of subjects of the law only in case if it is objectively justified, well-founded and pursues constitutionally significant objects, and legal means used for attainment of these objects are proportional to them (Judgment of the Constitutional Court of the Russian Federation of 17<sup>th</sup> January, 2013 No. 1-II).

3. One of the tasks of the legislation on administrative offences is, as follows from the Administrative Offences Code of the Russian Federation, prevention of administrative offences (Article 1.2), and the objective of administrative penalty as a measure of responsibility for the commission of an administrative offence established by the State – prevention of the commission of new offences both by an offender himself and other persons (Section 1 of Article 3.1). Realization of the indicated objective in the aspect of general and individual prevention is ensured by means of inevitability of penalty and at the expense of introduction of such measures of legal responsibility, which, being proportional and fair, allow in concrete circumstances to stimulate participants of legal relations to lawful behavior.

Establishing administrative responsibility for breach of rules and norms envisaged by federal laws and other normative legal acts of the Russian Federation (Item 2 of Section 1 of Article 1.3 of the Administrative Offences Code of the Russian Federation), the legislator, by virtue of the discretion which it has, may differently, depending on the substance of the protected public relations, construct *corpuses delicti* (compositions) of administrative offences and their individual elements (Judgment of the Constitutional Court of the Russian Federation of 18<sup>th</sup> May, 2012 No. 12-II). It follows from this that with the change of social and economic circumstances, in particular testifying to increase of negative consequences of some or other administrative offences, the legislator is also entitled to introduce more severe sanctions for their commission, but with obligatory consideration that differentiation of compositions of administrative offences, as well as determination of the measures of administrative responsibility cannot be arbitrary and must be based on objective characteristics of administrative

offences and correspond to the principles and norms of the Constitution of the Russian Federation.

As applied to compositions of administrative offences in the field of road traffic and administrative sanctions for their commission, as they are fixed in chapter 12 of the Administrative Offences Code of the Russian Federation, primordially general rule was operating, by virtue of which for breach of respective rules and norms envisaged by federal laws and other normative legal acts of the Russian Federation issued on their basis measures of administrative responsibility are established, uniform for the entire territory of the Russian Federation. In deviation from this general rule, the Federal Law of 21<sup>st</sup> April, 2011 No. 69-ΦЗ “On Amendments to Individual Legislative Acts of the Russian Federation”, and then the Federal Law “On Peculiarities of Regulation of Legal Relations in Connection with Addition of Territories to the Subject of the Russian Federation – the City of Federal Significance Moscow and on Amendments to Individual Legislative Acts of the Russian Federation” singled out administrative offences both from already existing administrative offences and introduced anew and extending to the entire territory of the country, the only distinction of the composition of which is such qualifying sign as their commission in the cities of federal significance Moscow and Saint-Petersburg.

As a result, if the same offences in the field of road traffic, administrative responsibility for which is established by Sections 4 and 6 of Article 12.16, Section 1.1 of Article 12.17, Sections 1 and 3 – 4 of Article 12.19 and Section 1 of Article 12.28 of the Administrative Offences Code of the Russian Federation, are committed on the territory of these subjects of the Russian Federation, administrative responsibility comes on the basis of, accordingly, Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of this Code, envisaging imposition of administrative fines in the amounts which exceed those which are established for the commission of the same offences on the territory of other subjects of the Russian Federation.

At this, as follows from the content of the adduced legislative provisions, any of the administrative offences indicated in them, irrespective of the place of commission, entails administrative responsibility in the form of non-alternative sanction, namely administrative fine, not differentiated in the amount (with the exception of Section 1 of Article 12.19 of the Administrative Offences Code of the Russian Federation, envisaging notice as alternative penalty). Such a regulation conforms to the general approach of the federal legislator to the establishment of fine sanctions for administrative offences in the field of road traffic: administrative offences indicated in Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation belong to the most widespread, they have, in essence, obvious character, their objective side as a necessary element of the composition (i.e. the unlawful action itself) is relatively simple and is relatively easily fixed, including by means of video observation. As far as non-alternative amounts of fines established by them (depending on the *corpus delicti* of an offence – from 2,500 to 5,000 roubles) are concerned, they do not exceed maximum amount of the fine for citizens envisaged by this Code and amounting to 5,000 roubles (Section 1 of Article 3.5), and therefore require no differentiation obligatory for administrative fines established for other kinds of administrative offences, as a rule, in significantly larger amounts and being their inalienable constitutionally significant quality.

This conclusion does not diverge from legal positions of the Constitutional Court of the Russian Federation, in particular with the one expressed in the Judgment of 12<sup>th</sup> May, 1998 No. 14-Π as applied to establishment in relation to subjects of entrepreneurial activity of the responsibility for non-use of control-cashier machines in money settlements with the population, within the meaning of which introduction by the legislator of a fine, sufficiently large and undifferentiated in the amount, impossibility of its reduction do not allow to apply this measure of penalty with consideration of the character of the committed offence, the amount of caused damage, the degree of guilt of an offender, his

property status and other substantial circumstances of the action, which breaks the principles of fairness of the penalty, its individualization and proportionality. Neither are applicable in this case legal positions formulated by the Constitutional Court of the Russian Federation with respect to significantly higher fines as compared with the ones established by legislative provisions under consideration (Judgments of 14<sup>th</sup> February, 2013 No. 4-П and of 25<sup>th</sup> February, 2014 No. 4-П).

4. Rendering concrete Articles 72 (Item “j” of Section 1) and 76 (Section 2) of the Constitution of the Russian Federation, the Administrative Offences Code of the Russian Federation fixes that the legislation on administrative offences consists of this Code and laws of subjects of the Russian Federation on administrative offences adopted in accordance with it (Section 1 of Article 1.1) and ascribes to the competence of the Russian Federation in this field, in particular, establishment of general provisions and principles of the legislation on administrative offences, the list of the kinds of administrative penalties and the rules of their application, administrative responsibility on issues having federal significance, including administrative responsibility for breach of rules and norms envisaged by federal laws and other normative legal acts of the Russian Federation (Section 1 of Article 1.3), and to the competence of subjects of the Russian Federation – establishment by laws of subjects of the Russian Federation on administrative offences of administrative responsibility for breach of laws and other normative legal acts of subjects of the Russian Federation, normative legal acts of bodies of local self-government, as well as, in the bounds and forms established by this Code, organization of proceedings on cases on administrative offences envisaged by laws of subjects of the Russian Federation (Section 1 of Article 1.3.1). Thereby, in essence, in the system of operating legal regulation of administrative responsibility differentiated fixing of both the grounds of administrative responsibility and amounts of administrative sanctions as applied to the same compositions of administrative offences in different subjects of the Russian Federation is not excluded as a consequence of respective legislative decisions of subjects of the Russian Federation.

According to the Federal Law of 10<sup>th</sup> December, 1995 No. 196-Φ3 “On Security of Road Traffic” determining legal bases of ensuring security of road traffic on the territory of the Russian Federation, uniform order of road traffic on the entire territory of the Russian Federation is fixed by the Road Traffic Rules approved by the Government of the Russian Federation (Item 4 of Article 22). In the interconnection with Article 1.3 of the Administrative Offences Code of the Russian Federation this means that administrative responsibility for breach of the Road Traffic Rules of the Russian Federation is subject to establishment in this Code and that exactly the federal legislator, if it perceives differences in the consequences of commission of one and the same action in one or another region, is entitled, staying within the framework of Section I “General Provisions” of this Code, to increase in this connection administrative responsibility for it on the territory where these consequences are the most perceptible.

Thus, establishment of administrative responsibility for breach of federal rules in the field of road traffic, including the Road Traffic Rules of the Russian Federation, construction of the compositions of respective administrative offences, determination of kinds and amounts of sanctions which may be prescribed for their commission, as well as determination of grounds for their differentiation belongs to the powers of federal legislator, handing of whichever to subjects of the Russian Federation is not envisaged in the operating system of legislative regulation. Accordingly, the Russian Federation in the person of federal bodies of State power bears responsibility also for ensuring of the observance of the requirements to the security of road traffic on the territories of all subjects of the Russian Federation and is entitled to undertake measures, which would make for the resolution of their road-conveyance problems by subjects of the Russian Federation, including with consideration of regional peculiarities of each of them.

4.1. Establishment of administrative responsibility for some or other administrative offences always contemplates certain average appraisal of a respective action and its possible adverse consequences by the legislator in the

context of the purposes of administrative penalty – prevention of the commission of new offences both by an offender himself and by other persons.

Although road-conveyance situation in subjects of the Russian Federation, as well as within the bounds of the territory of each of them objectively differs, the model of legal regulation of administrative responsibility for breach of the rules in the field of road traffic in use prior to putting into execution of the federal laws of 21<sup>st</sup> April, 2011 No. 69-ΦЗ and of 5<sup>th</sup> April, 2013 No. 43-ΦЗ was based exactly on the average appraisal of consequences of these offences on the entire territory of the Russian Federation. At the same time, no prescriptions following from the Constitution of the Russian Federation, including on commensurateness (proportionality) of the established sanctions did not oblige the federal legislator to decline such a model, as well as to change normative regulation having linked the size of administrative fines for administrative offences to coming of consequences determined by a road-conveyance situation in a concrete region.

Consequently, if the federal legislator has recognized objective impossibility of application of average appraisal of the gravity of administrative offence for two subjects of the Russian Federation, the new model of legal regulation introduced by it could extend to other subjects of the Russian Federation or territories: tense road-conveyance situation, as one can suppose, is typical also for other big cities; accordingly, consequences of breach on their territory of some rules of road traffic – bearing in mind that the composition of a concrete administrative offence not always determines the obligatoriness of their coming – are also more grave, and consequently sanction for their commission must presumably be higher than the average one. At this it is not excluded that on the most part of the territory of some subjects of the Russian Federation amounts of administrative fines, common to all regions with the exception of Moscow and Saint-Petersburg, may not reflect extremely insignificant influence of consequences of respective administrative offences on road-conveyance situation.

At the same time, the federal legislator is objectively limited in the possibility to appraise the degree and character of influence of the consequences of some or other administrative offences on the road-conveyance situation in each concrete region, as well as consider other peculiarities of it in order to introduce on its territory administrative responsibility for the commission of administrative offences in the field of road traffic, different from commonly established, moreover taking into account inadmissibility of arbitrary appropriation by bodies of State power of the Russian Federation of the whole fullness of powers on issues of joint jurisdiction, determined by federative nature of the interrelations of the Russian Federation and its subjects, i.e. without consideration of the interests of subjects of the Russian Federation and place of their bodies of power in the system of public authority (Judgment of the Constitutional Court of the Russian Federation of 11<sup>th</sup> April, 2000 No. 6-II).

The fact that the model of legal regulation in which concrete increased amounts of administrative fine for an administrative offence in a concrete subject of the Russian Federation are established by federal law is pre-determined by Section I “General Provisions” of the Administrative Offences Code of the Russian Federation, in itself cannot constrain the federal legislator, if other legal regulation has constitutionally well-founded pre-requisites. In particular, it is not deprived of the possibility, and in cases when it is dictated by system needs of legal regulation is obliged to make amendments to Section I of this Code, aimed at elimination of obstacles for introduction of other models of legal regulation, if they are necessary for ensuring the balance of constitutionally significant values. At this the only convenience of the use of any of them by State bodies applying the law and its legal and technical simplicity are not arguments in favour of admissibility of establishment of a new legal regulation restricting constitutional rights and freedoms.

4.2. The federal legislator on the basis of data which it has and within the limits of discretion granted to it has determined as territories, where in view of complex road-conveyance situation introduction of increased measures of

administrative responsibility for individual administrative offences in the field of road traffic is required, the territories of cities of federal significance Moscow and Saint-Petersburg, which, in contradistinction to the territories of other subjects of the Russian Federation (republics, territories, regions, autonomous circuits, autonomous region) coincide with their territories as inhabited localities.

Status characteristics of these subjects of the Russian Federation – Moscow as a capital city of the Russian Federation and Saint-Petersburg exercising individual capital functions, in themselves are not a factor justifying establishment on their territory increased amounts of administrative fines for administrative offences in the field of road traffic, since, as Russian and foreign experience shows, tenseness of the road-conveyance situation is not determined by capital Status of a city alone, – both Moscow and Saint-Petersburg are the largest (both in size and number of the population) all-national centres of economic, political, educational and other social activity and simultaneously – the biggest conveyance junctions, which objectively pre-determine more complicated conditions of road traffic, as well as the increased level of threats to its security.

Proceeding from this, regulation established by Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation, being determined by specific road-conveyance situation on the territory of cities of federal significance Moscow and Saint-Petersburg, pursues constitutionally significant object – ensuring of the security of road traffic and as such cannot be regarded as incompatible with the requirements of the Constitution of the Russian Federation.

The fact that qualifying sign (commission of a respective administrative offence in Moscow or Saint-Petersburg) envelops not all compositions of administrative offences, administrative responsibility for which is established by Chapter 12 of the Administrative Offences Code of the Russian Federation, is not a ground for appraisal of this legal regulation as not conforming to the Constitution of the Russian Federation either: increased amounts of administrative fines are

envisaged for the commission on the territory of these subjects of the Russian Federation rendering increased loading on conveyance infrastructure of those administrative offences, which can exert the most negative influence on road situation, create difficulties for road traffic.

Neither can the fact that from the point of view of tenseness of the road-conveyance situation territories of Moscow and Saint-Petersburg are not homogeneous testify to breach of constitutional requirement of proportionality in the part of amount of sanctions envisaged by them by Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation: in these subjects of the Russian Federation as the largest urban inhabited localities the principle of uniformity of legal regime of their expanse-territorial organization does not exclude the possibility to establish the amount of administrative fines, uniformly increased as compared with other subjects of the Russian Federation. At this the fact that bodies of State power of Moscow and Saint-Petersburg expressed no negative attitude to the new regulation in the course of passing of federal laws of 21<sup>st</sup> April, 2011 No. 69-ΦЗ and of 5<sup>th</sup> April, 2013 No. 43-ΦЗ, and the position of their representative during hearing on the present case testifies to absence of doubts about constitutionality of the norms under consideration by the Constitutional Court of the Russian Federation cannot but be taken into account as well.

Besides, Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation do not break the criteria of equality and proportionality in the restriction of constitutional rights and freedoms fixed by the Constitution of the Russian Federation, its Articles 17 (Section 3), 19 (Sections 1 and 2) and 55 (Section 3), so far as measures of administrative responsibility envisaged by these legislative provisions are subject to application equally to all persons having committed respective administrative offences on the territory of Moscow and Saint-Petersburg, irrespective of their

places of residence and other circumstances, i.e. finding themselves in identical conditions.

Making the indicated amendments to legal regulation of fine responsibility, the federal legislator was guided by a settled model of delimitation of powers between the Russian Federation and its subjects in the field of administrative offences legislation, which are fixed by the Administrative Offences Code of the Russian Federation and constitutionality of which is not called in question by petitioners on the present case. Objective criteria being in the basis of singling out two subjects of the Russian Federation – Moscow and Saint-Petersburg, on the territory of which increased administrative responsibility for individual administrative offences is established in order to ensure security of road traffic, allow to come to the conclusion also about absence of breach of the principles of federal structure of the Russian Federation fixed by the Constitution of the Russian Federation (Article 5, Section 3), as well as delimitation of issues of jurisdiction of the Russian Federation and its subjects, since in this case legal regulation undertaken in the field of administrative legislation (Article 72, Item “j” of Section 1) has been carried out on issues directly connected with restriction of constitutional rights and freedoms, which is possible solely on the basis of federal law (Article 35, Sections 1 and 2; Article 55, Section 3; Article 71, Item “c”).

5. Thus, Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation envisaging imposition of administrative fines in the increased amount for administrative offences in the field of road traffic indicated in them, if they have been committed in the cities of federal significance Moscow and Saint-Petersburg, do not contradict the Constitution of the Russian Federation, so far as regulation established by them is based on objective criteria and takes into account specific character of the road-conveyance situation on the territories of these subjects of the Russian Federation as the largest inhabited localities of the Russian Federation.

At the same time, by virtue of Articles 5 (Section 3) and 72 (Items “b” and “j”) of the Constitution of the Russian Federation and legal positions based on them and formulated by the Constitutional Court of the Russian Federation in the Judgments of 9<sup>th</sup> January, 1998 No. 1-II and of 11<sup>th</sup> April, 2000 No. 6-II, the federal legislator carrying out regulation of measures of administrative responsibility for administrative offences in the field of road traffic not only is competent to establish increased amounts of administrative fines for their commission on some or other territories of the Russian Federation proceeding from specific character of their road-conveyance situation, but is also entitled to consider the question of amendments to the Administrative Offences Code of the Russian Federation, which will allow subjects of the Russian Federation to carry out within the bounds established by federal law legal regulation in the part of determination of amounts of administrative fines for administrative offences envisaged by Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation, as well as for other administrative offences in the field of road traffic envisaged by this Code, negative consequences of the commission of which for protected public relations require appraisal with consideration of peculiarities of their manifestation on the territory of a concrete subject of the Russian Federation.

At this subjects of the Russian Federation, within the framework of legislative initiative granted to them by Article 104 (Section 1) of the Constitution of the Russian Federation, in any event are not deprived of the opportunity to petition the Federal Assembly with a suggestion to consider the question on establishment of increased administrative responsibility for breaches in the field of road traffic in the individual inhabited localities, if specific character of the road-conveyance situation requires it.

Proceeding from the expounded above and guided by Section 2 of Article 71, Articles 72, 74, 75, 78, 79 and 87 of the Federal Constitutional Law “On the

Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation

**h e l d:**

1. To recognize Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation, envisaging imposition of administrative fines in the increased amounts for administrative offences in the field of road traffic indicated in them, if they have been committed in cities of federal significance Moscow and Saint-Petersburg, as not contradicting the Constitution of the Russian Federation, so far as regulation established by them is based on objective criteria and takes into account specific character of the road-conveyance situation on the territories of these subjects of the Russian Federation as the largest urban inhabited localities of the Russian Federation.

2. By recognition of Sections 5 and 7 of Article 12.16, Section 1.2 of Article 12.17, Sections 5 and 6 of Article 12.19 and Section 2 of Article 12.28 of the Administrative Offences Code of the Russian Federation as not contradicting the Constitution of the Russian Federation is not excluded competence of the federal legislator, being guided by the Constitution of the Russian Federation and with consideration of legal positions of the Constitutional Court of the Russian Federation expressed in the present Judgment, to make amendments to the Administrative Offences Code of the Russian Federation, which will allow subjects of the Russian Federation to carry out within the bounds established by federal law legal regulation in the part of determination of amounts of administrative fines for administrative offences envisaged by the indicated legislative provisions, as well as for other administrative offences in the field of road traffic envisaged by this Code, negative consequences of the commission of which for protected public relations require appraisal taking into account peculiarities of their manifestation on the territory of a concrete subject of the Russian Federation.

3. The present Judgment shall be final and shall not be subject to any appeal, it shall come into force immediately upon pronouncement, shall be directly applicable and shall not require confirmation by other authorities and officials.

4. The present Judgment is subject to immediate publication in Rossiyskaya Gazeta, the Collection of Laws of the Russian Federation and on the official Internet-portal of legal information ([www.pravo.gov.ru](http://www.pravo.gov.ru).) The Judgment shall also be published in the Bulletin of the Constitutional Court of the Russian Federation.

No. 13-II

The Constitutional Court  
of the Russian Federation.