

**By the Judgment of 19<sup>th</sup> January, 2016 No. 2-II/2016 the Constitutional Court gave appraisal of constitutionality of Sub-Item “a” of Item 22 and Item 24 of Article 5 of the Federal Law of 28<sup>th</sup> June, 2014 No. 188-Φ3 “On Amendments to Individual Legislative Acts of the Russian Federation on Issues of Mandatory Social Insurance”.**

The contested provisions were the subject-matter of consideration as excluding the possibility of establishment in the course of law-enforcement of circumstances mitigating responsibility and taking account of them when prescribing penalty to payers of insurance payments for commission of offences, responsibility for which has been established by the Federal Law “On Insurance Payments to the Pension Fund of the Russian Federation, Fund of Social Insurance of the Russian Federation, Federal Fund of Mandatory Medical Insurance” (hereinafter referred to as “the Law”).

The Constitutional Court has recognized the contested norms as not conforming to the Constitution of the Russian Federation as excluding the possibility to individualize penalty for violation of the requirements established by the Law bearing in mind circumstances mitigating responsibility.

Until appropriate legislative amendments are made, adoption of the decision on taking into account circumstances mitigating responsibility when applying respective sanctions for violation of provisions of the legislation on insurance payments is admissible only in exceptional cases and in judicial procedure alone. If a sanction has been applied by a fund official, court (irrespective of the legislative regulation of bounds of its powers in the course of judicial appeal against decisions on application of measures of responsibility), having considered respective application of the person being made answerable, is not deprived of the possibility to lower the amount of the fee prescribed to him earlier.