

By the Judgment of 6 December, 2017 No. 37-П/2017 the Constitutional Court appraised constitutionality of Paragraph 13 of Article 12 of the Civil Code of the Russian Federation and Section 2 of Article 13 of the Arbitration Procedure Code of the Russian Federation.

The contested provisions were the subject-matter of consideration insofar as a court of arbitration in consideration of a civil case resolves on their basis the question of examination of a normative legal act, including the one having lost legal force, with regard to its conformity to another normative legal act that has stronger legal force, and of its application, including in the event if a person participating in the case alleges contradiction between these acts.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation, since they contemplate the obligation of the court of arbitration considering a civil case to examine a normative legal act, subject to application in this civil case (including the one having lost legal force), with regard to its conformity to another normative legal act that has stronger legal force, and in the event of establishment of such a contradiction to take decision in accordance with the normative legal act that has stronger legal force.