

By the Judgment of 7 November 2017 No. 26-II/2017 the Constitutional Court appraised constitutionality of the provisions of Paragraph 1 of Section 2 of Article 2, Paragraph 3 of Section 1 and Section 3 of Article 2-1 of the Law of the Republic of Crimea “On Peculiarities of Property and Land Relations Regulation in the Territory of the Republic of Crimea”.

The contested provisions were the subject-matter of consideration insofar as they serve as a reason to decide whether objects of real estate, belonging to natural and juridical persons by the right of private property, which arose prior to entering into force of the Federal Constitutional Law “On Admission into the Russian Federation of the Republic of Crimea and Formation in the Composition of the Russian Federation of New Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol”, may be included in the List of Property Reckoned as Property of the Republic of Crimea, approved by the Resolution of the State Council of the Republic of Crimea “On Matters of Administration of Property of the Republic of Crimea”.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation, so far as they:

contemplate no inclusion of objects of real estate, belonging to natural and juridical persons by the right of private property, which arose prior to entering into force of the said Federal Constitutional Law on lawful grounds, in the List of Property Reckoned as Property of the Republic of Crimea and, accordingly, contemplate no arbitrary cessation of the right of private property to such realty;

may not serve as a ground to refuse natural and juridical persons to satisfy their claims, connected with inclusion of objects of real estate in the List of Property Reckoned as Property of the Republic of Crimea, only as a consequence of the fact itself of such inclusion, without establishment of absence of necessary legal grounds of acquisition of respective realty in an appropriate judicial procedure.

Court, considering in a specific case the question of lawfulness of inclusion of contested objects of real estate in the List of Property Reckoned as Property of the Republic of Crimea, must, not confining itself to the establishment of formal conditions of norm application alone, examine in essence actual facts of this case, bearing in mind structural reconstruction of Ukrainian economy and transformation of property relations, including assessment of the grounds of origin of the right of property with regard to disputable belongings and thereby granting constitutional guarantees of the right of property in respect of the realty which belongs to subjects of the right of property on lawful grounds.