

By the Judgement of 2 July 2018 No. 27-II/2017 the Constitutional Court gave appraisal of constitutionality of Paragraph 2 of Section 6 of Article 28.3 of the Administrative Offences Code of the Russian Federation.

The contested provision was a subject-matter of consideration insofar as on its basis it is decided on the possibility for officials of bodies of internal affairs (police) to draw up records about administrative offences infringing upon public order and public security, envisaged by laws of constituent entities of the Russian Federation.

The Constitutional Court has recognised the contested provision as not contradicting the Constitution of the Russian Federation, since it contemplates that:

conclusion of agreements on passing exercise of powers to draw up records about administrative offences infringing upon public order and public security, envisaged by laws of constituent entities of the Russian Federation, to officials of bodies of internal affairs (police) is aimed at ensuring balanced combination of interests of federal and regional bodies of executive power constituting a uniform system of executive power of the Russian Federation, which would meet the tasks of effective administrative law protection of rights and freedoms of citizens;

the initiative to conclude such agreements must come from bodies of executive power of constituent entities of the Russian Federation, which may not be forced to sign them on organisational, legal, financial or other conditions unacceptable for them, and federal body of executive power performing functions of working out and realisation of State policy and normative legal regulation in the field of internal affairs is not entitled to arbitrarily refuse bodies of executive powers of constituent entities of the Russian Federation to conclude them in the events when drafts of respective agreements meet the requirements set by federal laws and laws of constituent entities of the Russian Federation adopted in accordance with them;

officials of bodies of internal affairs (police) are obliged, within the framework of powers entrusted to them by the Administrative Offences Code of the Russian Federation and the Federal Law “On Police”, to render assistance in making administratively answerable those guilty of the commission of administrative offences infringing upon public order and public security, envisaged by laws of constituent entities of the Russian Federation, also in the absence of respective agreements concluded between bodies of executive powers of constituent entities of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation.