

By the Judgement of 16 July 2018 No. 32-II/2018 the Constitutional Court appraised constitutionality of Item 3 of Article 69 of the Air Code of the Russian Federation and Items 3 and 6 of the Rules of granting subsidies from the federal budget to organizations for compensation of incomplete revenues from rendering services of airport and ground provision of flights of aerial vessels of users of airspace released from pay for these services in accordance with the legislation of the Russian Federation.

The contested provisions were a subject-matter of consideration insofar as they serve as grounds to solve the question of compensation to a juridical person from resources of the federal budget of expenses for airport and ground provision of flights of aerial vessels of users of airspace released from pay for these services in accordance with the legislation of the Russian Federation (hereinafter – the said expenses).

The Constitutional Court has recognised the contested provisions as not conforming to the Constitution of the Russian Federation to the extent to which they ensure no certainty of the conditions of compensation to juridical persons from resources of the federal budget of the said expenses in the event of exhaustion of the finished limits of budgetary obligations for compensation of incomplete revenues from rendering respective services and refusal of the authorised State body to grant subsidy for this reason.

The Constitutional Court has pointed out that until the insertion of appropriate amendments to the legal regulation compensation of the said expenses to subjects of entrepreneurial activity, who applied for such compensation within terms set by the effective rules of granting subsidies for compensation of incomplete revenues from rendering respective services, must be carried out by means of planned allocation on these purposes of necessary budgetary resources not later than the next financial year. At this, subjects of entrepreneurial activity in any case are not entitled to suspend rendering respective publicly significant services.