

By the Judgement of 19 April 2018 No. 16-II/2018 the Constitutional Court appraised constitutionality of Section 5 of Article 36 of the Federal Law “On Making Amendments to Individual Legislative Acts of the Russian Federation on Issues of Military Service in Bodies of Military Prosecutor’s Office and Military Investigatory Bodies of the Investigatory Committee of the Russian Federation”.

The contested norm was the subject-matter of consideration insofar as on its basis it is decided who is obliged to provide official housing after 1 January 2017 to military servicemen of bodies of military prosecutor’s office and military investigatory bodies of the Investigatory Committee of the Russian Federation, who were registered before this date for the provision of official housing in housing bodies of federal bodies of executive authority in which military service is envisaged by the federal law.

The Constitutional Court has recognised the contested norm as not conforming to the Constitution of the Russian Federation to the extent to which, due to its uncertainty, it gives no definite answer to the question of which state body – federal body of executive authority, federal state body – must provide official housing to military servicemen of bodies of military prosecutor’s office and military investigatory bodies of the Investigatory Committee of the Russian Federation, who were registered for the provision of official housing before 1 January 2017.

Until the insertion of necessary legislative amendments, military servicemen who were registered for the provision of official housing before 1 January 2017 may not be removed from such register, and if there has been evident and groundless exceeding of the term for the provision of official housing to a military serviceman, they shall be provided with official housing under court decision by the federal body of executive authority where they have been registered. Respective state bodies, where these military servicemen do military service at present, are entitled if possible to decide on the provision of official housing to

them independently. In any event, prior to the provision of official housing these military servicemen shall be granted guarantees envisaged by Item 3 of Article 15 of the Federal Law “On Status of Military Servicemen”.

The Constitutional Court has pointed out that the recognition of this norm as not conforming to the Constitution of the Russian Federation does not entail reconsideration of decisions taken before and recognising the right of this category of military servicemen to get official housing as well as decisions by which they were provided with official housing.