

By the Judgement of 23 July 2018 No. 35-II/2018 the Constitutional Court appraised constitutionality of Section 1 of Article 208 of the Civil Procedure Code of the Russian Federation.

The contested provision was a subject-matter of consideration insofar as on its basis courts solve the question of the right of an exactor to indexation of monetary sums awarded to him in the event of untimely execution of a court decision by debtor.

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation to the extent to which, in the absence of the mechanism of indexation of monetary sums exacted by court in the operating system of legal regulation recognised by court practice as applicable, it contains no criteria, in accordance with which indexation envisaged by it must be carried out.

The Constitutional Court has pointed out that until the insertion of necessary amendments into the regulation in effect courts must use as criterion of indexation, envisaged by Section 1 of Article 208 of the Civil Procedure Code of the Russian Federation, the consumer price index approved by the Federal Service of State Statistics, which is an official statistical information characterising inflation processes in the country and published on the official site of the Federal Service of State Statistics in the Internet.