

By the Judgement of 9 July 2020 No. 34-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 313, Section 2 of the Criminal Procedure Code of the Russian Federation.

The challenged provision was the subject of consideration to the extent that on its basis the system of existing legal regulation determines measures for the protection of the unattended dwelling, the owner of which is the convicted person, and also establishes those responsible for implementation of the said measures.

The challenged provisions was found to be inconsistent with the Constitution of the Russian Federation to the extent that it does not establish specific measures for the protection of the said dwelling in the current legal regulation system and does not establish the subjects responsible for implementation of the said measures, and it does not determine at what expense these measures are financed.

Until appropriate legislative amendments are made, should convicted persons have not independently taken civil-law measures to protect their dwellings and if it has been found that they will not be able to take such measures independently, the court is authorised to take measures to protect such dwellings remaining unattended and entrust execution of such measures on specific persons, namely:

sealing of a dwelling and periodic inspection of its safety can be assigned to the internal affairs body at the location of the dwelling and (or) to the administration of the municipality (settlement, urban district, municipal district);

the obligation to prohibit registration of citizens in the dwelling without the consent of the owner - to the registration authorities of the Russian Federation at the place of stay and at the place of residence within the Russian Federation (territorial bodies of the federal executive body in the field of internal affairs);

the obligation to prohibit state registration of transfer of the right to restrict the right and encumber the property without the personal participation of the owner of the dwelling (its legal representative) - to the territorial authority of the Federal Service for State Registration, Cadastre and Cartography;

other duties necessary for the protection of the dwelling - to the administration of the municipality (settlement, city district, municipal district), with regard to the peculiarities of the organisation of local self-government and the delimitation of respective powers in cities of federal significance and in other territories.

Judicial decisions taken prior to the entry of the Judgment are enforceable. Local self-government bodies which executed relevant judicial acts, as well as local self-government bodies which were entrusted with the relevant duties of protecting the

convicted persons' dwellings which were left unattended on the basis of temporary regulation, after the adoption of appropriate amendments to the law, has the right to apply for reimbursement of the costs of taking protection measures in respect of such dwellings at the expense of the authority to which these functions will be assigned in accordance with the new legal regulation, for the period from the date of the official publication of this Judgement.

The applicants' cases are subject to review on the basis of the new legal regulation, unless otherwise specified.