

**By the Judgement of 15 October 2020 No. 41-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 3.7, Section 4 and Article 30.12, Section 1 of the Code of Administrative Offences of the Russian Federation.**

The challenged provisions were the subject of consideration to the extent that on their basis, the issue of the right of the property owner to appeal against a decision taken against another person in an administrative offense case in the field of customs regarding confiscation of his property, which is temporarily imported in the customs territory of the EAEU during possession (use) of other persons – is resolved.

The Constitutional Court recognised the challenged provisions as inconsistent with the Constitution of the Russian Federation to the extent that, allowing the confiscation of the instrument of committing of an administrative offense or the subject thereof - goods and (or) vehicles from persons who are not the owners of the relevant property in cases of administrative offenses in the field of customs, they do not provide for the right of the property owner to appeal against a decision in an administrative offense case regarding confiscation of property when goods or vehicle are legally moved across the customs border and are located in the customs territory of the EAEU, where the customs authorities and courts of the Russian Federation have effective means of control and legal coercion, including procedural, with a reliably known composition of participants in customs and related legal relations, including the owner of property, who does evade from exercising his rights and obligations under the Russian jurisdiction.