

By the Judgement of 16 July 2020 No. 37-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 59, Section 3, Article 61, Section 4 and Article 63, Section 4 of the Arbitration Procedure Code of the Russian Federation.

The challenged provisions were the subject of consideration to the extent that they serve as a basis for restricting the right of an organisation to represent its interests in an arbitration court by a person associated therewith who does not have a higher legal education or an academic degree in legal specialisation, in particular by its founder (participant) or an employee, in cases where organisation's interests in the same process are simultaneously represented by a lawyer or other person providing legal assistance with such education or such a degree.

The Constitutional Court recognised the challenged provisions as not inconsistent with the Constitution of the Russian Federation, since according to their constitutional and legal meaning within the system of current legal regulation they do not imply restrictions on the right of an organisation to entrust in the above cases organisation's representation in the arbitration process to the mentioned persons who, in the opinion of the represented organisations, possesses necessary knowledge and competence in the field of public relations, caused the dispute to be resolved by an arbitration court, with the exception of persons who cannot be representatives by virtue of a direct indication of the law (Article 60 of this Code).