

By the Judgement of 26 June 2020 No. 30-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 79, Sections 3 and 5 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, Article 439, Section 1 of the Civil Procedure Code of the Russian Federation and Article 43, Section 1, para. 4 of the Federal Law “On the Enforcement Proceedings”.

The challenged provisions were the subject of consideration to the extent that they serve a legal basis for resolving the issue of the impossibility of continuing execution of court decisions on evicting citizens from residential premises, the recognition of which by public ownership is based on the right of ownership on the basis of acts or their individual provisions, subsequently recognised unconstitutional by the Judgement of the Constitutional Court of the Russian Federation - on appeals of persons who were not participants in the constitutional proceedings.

The challenged provisions were recognised as not contradicting the Constitution of the Russian Federation, since they did not imply the continuation of enforcement proceedings to evict from the premises citizens who were not participants in constitutional legal proceedings, if the court decision on eviction, which recognised the right of ownership of this premises for a public law establishment, is based on acts or their individual provisions recognised unconstitutional by a judgement of the Constitutional Court of the Russian Federation (or having received a constitutional interpretation therein), and was not executed (or partially executed) at the time of making such a judgement of the Constitutional Court of the Russian Federation - until a judicial decision which served the basis for initiating enforcement proceedings is reversed.