

By the Judgement of 1 February 2022 No. 4-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 134, item 1, paragraph two of the Federal Law "On Insolvency (Bankruptcy)"

These provision in its connection was subject to consideration insofar as under the meaning attributed to it by judicial interpretation it serves as a basis for resolving the issue of the possibility of the debtor operating a high-danger industrial facility to make extraordinary operational payments in favor of the resource-supplying organization which provide it with energy resource under a previously concluded contract, since the termination of energy supplies (or the restriction of supplies below the level of, the minimum required for the safe condition of the relevant object) may lead to man-made and (or) environmental disasters or the death of people.

The challenged provision was recognised as not contravening the Constitution of the Russian Federation, since it does not provide the proper degree of certainty and efficiency in resolving the issue of the existence of circumstances in which the termination (or reduction of the volume below the minimum required for the safe state of a high-danger industrial facility) of the supply of energy resources under a contract previously concluded in the ordinary course of business of the debtor may create a real threat of occurrence of these consequences which implies payment of energy resources to the supplier out of turn, mainly before any other creditors' claims of current payments.