

By the Judgement № 27-P of 4 July 2022, the Constitutional Court assessed constitutionality of provisions of Article 17 (Part 1) of the Federal Law "On the Supervision of Compatibility of Expenses of Persons Holding Government Positions and other Persons with Their Income", Article 4 (para 5) of the Federal Law "On Personal Subsidiary Farming".

These legal provisions were subject to consideration insofar as within the current legal framework they served as basis to resolve whether it is possible to take into account the income from personal subsidiary farming in deciding by a court on the existence of grounds for transfer to the property of Russian Federation of land plots, other real estate objects, vehicles, securities (participatory interests, shares in the authorized (contributed) capital of organizations), digital financial assets, digital currencies in respect of which the person holding one of the positions specified in Article 2 (part 1, para 1) of the Federal Law "On the Supervision of Compatibility of Expenses of Persons Holding Government Positions and other Persons with Their Income" has not provided information confirming their acquisition with legal income, or grounds for transfer to the property of Russian Federation a monetary amount equivalent to the value of such property, if its transfer to the property of Russian Federation is impossible.

The contested legal provisions were found not to be in conflict with the Constitution of the Russian Federation since according to their constitutional and legal meaning within the current legal framework, including taking into account the constitutional and legal interpretation contained in the Judgement of the Constitutional Court of the Russian Federation of 29 November 2016 No. 26-P they:

do not prevent the court, when assessing the existence of grounds for the transfer to the property of the Russian Federation of land plots, other real estate objects, vehicles, securities (participatory interests, shares in the authorized (contributed) capital of organizations), digital financial assets, digital currency, in relation to which a person holding one of positions specified in Article 2 (part 1, para 1) of the Federal Law "On the Supervision of Compatibility of Expenses of Persons Holding Government Positions and other Persons with Their Income" has not provided information confirming their acquisition with legal income, or grounds for transfer of a monetary amount equivalent to the value of such property to the property of the Russian Federation, if its transfer to the property of Russian Federation is impossible, from taking into account the provisions of legislative acts of constituent entities of the Russian Federation establishing the maximum size of the total area of land plots that may simultaneously be owned and (or) otherwise held by citizens running a personal subsidiary farm;

assume that if the certificates of income, expenses, property and property obligations of the person subject to control, and a member of his family indicate income from a personal subsidiary farm, then such information should be accepted

for accounting of income, unless the prosecutor has proven a clear disproportion of the indicated amounts to the real possibilities of the personal subsidiary farm. If the relevant income from a personal subsidiary farm is not indicated in such certificates, then they are not deprived of the possibility of proving it on the basis of general rules of proof, bearing in mind that such evidence are not restricted solely to documents indicating a specific amount of income.