

**By the Judgement of 4 October 2022 No 40-II/2022 the Constitutional Court assessed constitutionality of Article 30, part 1, item 17 of the Federal law “On Insurance Pensions” and Articles 12 and 13 of the Federal law “On Special Assessment of Working Conditions”.**

The said interconnected provisions became subject to examination insofar as the system of current legal regulation resolves the issue of establishing, as part of the special assessment of working conditions, the class (subclass) of working conditions for persons engaged in work with convicts as workers and employees of penitentiary institutions (including medical workers engaged in such work in these institutions), which directly affects the possibility of including periods of this activity in the insurance period required for the right to early assignment of the retirement insurance pension in accordance with Article 30, part 1, item 17 of the Federal Law “On Insurance Pensions”.

The challenged interconnected provisions were recognized as contravening the Constitution of the Russian Federation insofar as, by conditioning the realization of pension rights of the workers and employees permanently and directly employed with the convicts on the establishment of an appropriate class (subclass) of harmful and/or dangerous working conditions at their places of work, they allow periods of such activity not to be included in their insurance period required for the right to receive an early assignment of their retirement insurance pension, while the current legal regulation does not provide the possibility of taking into account the specifics of such labor activity.

Until appropriate legislative amendments are made, the pension rights of such persons must be secured:

by the employer (insurant) by paying for the period from January 1, 2022 insurance contributions at the additional rate, which was provided for the period before the special assessment of their working conditions in accordance with Article 58<sup>3</sup>, part 2 of the "On insurance contributions to the Pension Fund of the Russian Federation, the Social Insurance Fund of the Russian Federation, the Federal Compulsory Medical Insurance Fund" (repealed as of January 1, 2017), with the inclusion of the relevant periods of their labor activity in the insurance length of service necessary for the occurrence of the right to an early assignment of a retirement insurance pension on this basis;

by the state in the execution for the insured the obligation to transfer to the Pension Fund of the Russian Federation not paid on the specified additional rate for the period from January 1, 2013 to January 1, 2022 insurance contributions for

the insured persons, which in accordance with this Judgement in the insurance period, which gives the right to an early retirement pension on this basis, and which includes work carried out during this period.

The decisions in the case of complainant are subject to review in accordance with established procedure, taking into account the temporary legal regulation imposed by this Judgement.