

**By the Judgement № 43-P of 13 October 2022, the Constitutional Court assessed constitutionality item 10 (subparagraph "a") of the Rules for establishing security zones of electric grid facilities and special conditions for the use of land plots located within the boundaries of such zones, approved by the Order of the Government of the Russian Federation № 160 of 24 February 2009.**

This provision was subject of consideration to the extent that within the current system of legal regulation its served as basis do decide upon the issue of the need for the developer to coordinate construction or reconstruction of a building or structure on a land plot located fully or partially within the boundaries of the security zone of electric grid facilities with the owner (holder) of the electric grid facilities due to which a given security zone was established.

The contested provision was found not to be in conflict with the Constitution of the Russian Federation since:

- its application within the current legal framework to relations on construction or reconstruction of buildings and structures on land plots located fully or partially within the boundaries of the security zones of electric grid facilities is a temporary measure until the relevant provisions on security zones of electric power facilities are put into effect;

- receipt by an individual or legal entity planning the construction or reconstruction of a building or structure (developer) on a land plot fully or partially located in the security zone of electric grid facilities of a preliminary written decision on approval of such actions by the relevant grid organization is not a mandatory condition for developer to submit an application for a construction permit or notification to the authorized government body regarding planned construction or reconstruction of a building or structure;

- after the authorized body has accepted for consideration the developer's application for the issuance of a building permit or notification of planned construction or reconstruction, this body, if it is necessary to obtain a decision on approval of such actions, independently applies with the grid organization to obtain a relevant decision. In such case the statutory period for issuing a construction permit or sending a return notification to a developer by the authorized body is extended by the statutory period for consideration by the grid organization of the notification on approval of construction or reconstruction of a building or structure. In addition, the rule that failure of authorized body to send a notification within the statutory period on the discrepancy between parameters of an individual housing construction project or a garden house specified in notification of the planned construction or reconstruction and the established parameters, and (or) on the inadmissibility of their placement on a land plot is considered approval by these bodies of the construction or reconstruction of an individual housing construction project or a garden house, does not apply such situation;

- the refusal of a grid organization to approve a planned construction or reconstruction of a building or structure may be justified only by indication of a specific risk to electric grid facilities, life, health, property of legal entities or individuals that such refusal prevents. Such refusal does not prevent developer from submitting a new notification after the entry into force of the regulation on the protection zones of electric power facilities approved by the Government of the Russian Federation;

- a building permit or a return notification of compliance of parameters of a building or structure specified in the notification of the planned construction or reconstruction with the established parameters and (or) of admissibility of placing a building or structure on a land plot located in whole or in part in the security zone of electric grid facilities received by the developer prior to the entry into force of the new regulation on security zones of electric power facilities approved by the Government of the Russian Federation cannot be revoked after the entry into force of this regulation;

- when a developer appeals to a court challenging a refusal to approve construction or reconstruction of a building or structure by a grid organization on a land plot located in whole or in part in the security zone of electric grid facilities, as well as when a developer appeals to a court challenging a refusal to issue construction permit or return notification from an authorized government body on discrepancy between the information specified in the notification of the planned construction or reconstruction parameters of a building or structure to the established parameters and (or) on the inadmissibility of placing a building or structure on a land plot located fully or partially in the security zone of electric grid facilities in connection with the refusal to approve by the grid organization, the court is obliged to meaningfully assess grounds for such refusal, not limiting itself only to criteria for compliance with procedure and reference to regulatory requirement to obtain a decision from the grid organization on approval.