

By the Judgement № 58-II of 27 December 2022 the Constitutional Court assessed constitutionality of provisions of Article 189⁴⁹ (subparagraph 4 of item 12, and item 12¹) of the Federal Law "On Insolvency (Bankruptcy)".

These interrelated legal provisions were subject of consideration insofar as they provided for termination, on the day of approval of the plan for participation of the Bank of Russia in the implementation of measures to prevent the bankruptcy of a bank, of the bank's obligations on loans, credits, deposits and other claims in monetary form to persons holding positions of the head and chief accountant of a bank branch, who are not related to persons controlling the bank, as one of mandatory conditions for providing the bank with financial assistance to prevent bankruptcy.

The contested interrelated provisions were found to be inconsistent with the Constitution of the Russian Federation to the extent that they established a termination of obligations under the above conditions that did not meet the criteria of necessity and proportionality and was not provided with effective judicial protection.