

By the Judgement of 28 December 2022 No.59-II, Constitutional Court of the Russian Federation assessed constitutionality of Article 21, part 1 of the Federal Law “On the Postal Service”

According to the above-mentioned legal provision, postal items that cannot be delivered due to inaccuracy or lack of necessary address data of the user of postal services, addressee departure or other circumstances that prevent the postal operator from performing its obligations under the contract of postal services, shall be returned to the sender.

The challenged legal provision was found not to contradict the Constitution of the Russian Federation, since - by its constitutional and legal meaning in the system of current legal regulation - it does not imply the imposition on the consumer (postal service user) of costs in connection with the return of postal items when the impossibility of its delivery is caused by the requirements established in special normative acts and (or) local acts adopted by the provider of postal services to specify certain categories of addresses and (or) restrictions on the delivery of the corresponding type of mail to certain categories of addresses, and full and reliable information about such requirements and (or) restrictions was not brought or improperly brought directly to the consumer in the process of acceptance (registration) of mail in a form that ensures his perception of this information, taking into account the characteristics of the consumer, place or other conditions of service provision, while from the sender's address of the recipient indicated for the postal operator (its employee) should have followed that for sending to the specified address of mail items there are special rules and (or) restrictions.