

By the Judgement of 1 June 2023 No.29-II, the Constitutional Court assessed constitutionality of Article 30 (part 12) of the Federal Law «On Enforcement Proceedings»

The legal provision was subject of consideration insofar as in the system of current legal regulation this norm in conjunction with Article 112 "Enforcement fee" of the same Federal Law serves as basis to resolve the issue of calculating (for purpose of collecting enforcement fee) the five-day period established in a resolution on initiation of enforcement proceedings for voluntary execution by the debtor of the requirements of the enforcement document in the event of adoption of this resolution after the initiation of enforcement proceedings of judicial acts and acts of the bailiff-executor changing the amount of debt contained in the enforcement document or the procedure for execution.

The contested legal provision was recognised as not contradicting the Constitution of the Russian Federation in so far as it implies, when read together with Article 112 of the above-mentioned Federal Law, that until the expiration of five days from the date of receipt by the debtor of information in the forms established by this provision on the elimination of inaccuracies that were in the court decision, in the writ of execution or in the ruling of the bailiff on the initiation of enforcement proceedings, related to the amount of the debt or the procedure for execution there was objectively no opportunity for the debtor to properly fulfill the obligation imposed on him (given that such correction was initiated by the debtor within a reasonable time after receiving information about the initiation of enforcement proceedings in accordance with this part), and therefore the period for voluntary fulfillment of the requirements of the writ of execution for the purpose of collecting the enforcement fee from the debtor cannot be considered to have expired.