

**By the Judgement of 5 June 2023 No 30-II the Constitutional Court assessed constitutionality of Article 35 (item 2) of the Federal Law "On Insolvency (Bankruptcy)" and Article 42 of the Code of Commercial Procedure of the Russian Federation**

The above legal provision of the Federal Law "On Insolvency (Bankruptcy)" was subject of consideration insofar as it serves, in conjunction with Article 42 of the Arbitration Procedure Code of the Russian Federation, as normative basis for resolving the issue of the possibility of participation of an insurance organization that has concluded an insurance contract for the liability of an arbitration manager in a separate judicial dispute on recognizing the actions (inaction) of an arbitration manager as illegal within the framework of a bankruptcy case in the event that no claims for damages were made against the bankruptcy trustee.

The contested legal provision was recognised as not contradicting the Constitution of the Russian Federation insofar as in the system of current legal regulation, including in connection with Article 42 of the Code of Commercial Procedure of the Russian Federation, it cannot serve as regulatory basis for commercial court to deny the insurance organization that has concluded an agreement to insure the liability of the arbitration manager the opportunity to participate in such a separate legal dispute in the specified case.