

By the Judgement of 19 April 2023 No. 19-II the Constitutional Court assessed constitutionality of Article 178, part 1 and part 2 (item “B”) of the Criminal Code of the Russian Federation, as well as paragraph 1 of the note to this article.

These provisions were examined insofar as they served as a basis for the court to determine the amount of income derived from the decision to raise, lower or maintain prices in the bidding process.

The Constitutional Court found the challenged legal provisions to be in accordance with the Constitution of the Russian Federation, as the system of legal regulation provides that the income, the extraction of which on a large or particularly large scale serves as one of the conditions ("attributes") for criminal liability in connection with the conclusion of an agreement restricting competition (cartel), for this purpose, is the price of the contract concluded following such tenders, without reduction for any costs, including those incurred or required.