

By the Judgement of 25 December 2023 No.60-II, the Constitutional Court assessed constitutionality of Article 809 of the Civil Code of the Russian Federation and Article 69 (part 3) of the Arbitration Procedure Code of the Russian Federation

The provisions of Article 809 of the Civil Code (before the entry into force of Federal Law No. 212-FZ of 26 July 2017, which amended this article and also introduced a regulation on usurious interest) were the subject of consideration since on their basis court decides whether to reduce the amount of 16 percent for the use of the loan provided for in the contract concluded before the entry into force of this Federal Law.

The Constitutional Court recognised the contested provisions as not contradicting the Constitution to the extent that, according to their constitutional and legal meaning, they cannot serve as a formal basis for refusing to consider this issue by court.

The provisions of the Arbitration Procedure Code were also the subject of consideration to the extent that, based on them an arbitration court consider, in the context of a citizen's bankruptcy case, the creditor's application for inclusion of his claim in the register of creditors' claims, resolves the issue of the expiration of the limitation period for the claim arising from the loan agreement, in the event that by the decision of the court of general jurisdiction on a civil case previously considered between the same parties, under the same circumstances and with the application of the same legal provisions, the applicant's (creditor) claims arising from the said agreement were denied due to the expiration of the limitation period.

These provisions were found to be consistent with the Constitution to the extent that they cannot be regarded as allowing the arbitration court, which is considering such case, to overcome the final conclusion on the expiration of the limitation period contained in the above-mentioned the decision of the court of general jurisdiction.