

**By the Judgement of 26 April 2023 No. 21-II the Constitutional Court assessed constitutionality of Article 440 of the Civil Procedure Code of the Russian Federation and Articles 42 and 45 of the Federal Law “On Enforcement Proceedings”.**

These interrelated legal provisions have been the subject of examination in so far as they are the basis for deciding on the procedure and time limits for resuming enforcement proceedings where they have previously been suspended by a court order.

The Constitutional Court found that the challenged legal provisions were incompatible with the Constitution of the Russian Federation insofar as, in the system of the current legal regulation, they did not establish a time limit for the resumption of enforcement proceedings after the removal of the circumstances that led to their suspension at the request of their participants, from which the debtor was unjustifiably excluded, nor did they define the legal consequences of failing to meet such a time limit.

Until legislative changes are made, enforcement proceedings may be resumed on the initiative of the court or at the request of the bailiff, the claimant or the debtor within a period of three years from the removal of the circumstances that led to their suspension. This period may be restored by the court at the request of the claimant in accordance with the provisions of Article 432, part 2 of the Code of Civil Procedure of the Russian Federation.