

**By the Judgement of 31 May 2023 No.28-II the Constitutional Court assessed constitutionality of Articles 248 and 249, Article 251 (item 1), Article 271 of the Tax Code of the Russian Federation and also Article 5 (item 1 and 3), Article 134 (item 2) of the Federal Law “On Insolvency (Bankruptcy)”**

The above-mentioned legal provisions were the subject of consideration insofar as they served as the basis for the calculation and payment of corporate income tax in order to determine the inclusion in the tax base of income from the sale by auction of the bankrupt's property and, if so, the issue of the priority of the claim for payment of this tax in the payment system provided for by the Federal Law “On Insolvency (Bankruptcy)”.

The contested provisions were found not to be in contradiction with the Constitution of the Russian Federation, as their constitutional and legal meaning in the system of the current legal regulation implies the inclusion in the tax base for corporate income tax of income from the sale of property constituting the bankruptcy estate in bankruptcy proceedings.

The contested provisions were found to be inconsistent with the Constitution of the Russian Federation to the extent that, in conjunction with other provisions of the Federal Law “On Insolvency (Bankruptcy)”, they did not allow the question of the order of priority of the said claim to be resolved with certainty.

Until appropriate legislative amendments are made, corporate income tax claims arising from the sale of property forming part of the bankruptcy estate in bankruptcy proceedings are subject to satisfaction as part of the third priority claims of creditors entered in the register.