

By the Judgement of 5 March 2024 No. 9-II, the Constitutional Court assessed constitutionality of Article 16.2 (part 2) of the Code of Administrative Offences of the Russian Federation.

Above-mentioned legal provision was subject to consideration in so far as it serves as a basis for administrative responsibility for the indication in the customs declaration for a consignment of an unreliable gross weight (lower than the actual weight) of one of the goods, which leads to an increase in the value of this good and a decrease in the value of others, without increasing the total customs value of the goods and the amount of customs duties payable on the whole consignment.

The contested provision was found not to conflict with the Constitution of the Russian Federation because according to its constitutional legal meaning, it is not permitted to hold the person administratively liable in this case, if this does not lead to an increase in the amount of customs payments for the entire consignment of goods due to the fact that the composition of the consignment of goods contains only goods for which the same basis for calculating customs payments and the same rate of all customs payments and the same rate of all customs payments are provided.