

By the Judgement of 6 December 2024 No.56-II, the Constitutional Court assessed constitutionality of Article 76 (items 1 and 3) and Article 77 of the Federal Law “On Environmental Protection”

The above-mentioned legal provisions were the subject of consideration in so far as they resolve the issue of compensation for damage to the environment by the owner of a land plot in the case of removal of the fertile soil layer from its surface for the purpose of preparing for the extraction of minerals permitted by the license obtained by such person, if these actions occurred before the plot was transferred from the category of agricultural land to the category of industrial land.

The challenged legal provisions were recognised as not contradicting the Constitution, since they assume that when deciding the question of compensation for damage to the environment by such a person in mentioned circumstances (prior to the transfer of land category) removal of the fertile soil layer on this plot for the specified purpose on the basis of the license (received for the use of subsoil within the boundaries of this plot), the amount of environmental damage caused and the method of its compensation shall be determined taking into account the specific circumstances of the case, including the change of land category by the court decision on the basis of the said license.