

By the Judgement of 7 October 2024 No.44-II, the Constitutional Court assessed constitutionality of Article 14.13 (part 3) of the Code of Administrative Offences of the Russian Federation, Article 28 (item 6¹) and Article 149 of the Federal Law «On Insolvency (Bankruptcy)».

These interrelated provisions have been considered to the extent that, on the basis of them, the question arises as to the date from which the statutory period for fulfilling the obligation to report information on the termination of bankruptcy proceedings to the Unified Federal Register of Information on Bankruptcy (Register) begins to run, for the purpose of holding administratively liable the bankruptcy administrator who failed to make such report within the specified period.

The contested interrelated legal provisions were found to be incompatible with the Constitution, as the uncertainty of their normative content does not allow this issue to be resolved in this case and allows for an arbitrary interpretation of the period.

Until the appropriate legislative changes are made:

if the arbitration court decides to terminate the bankruptcy proceedings prior to the official publication of this Judgement, the bankruptcy administrator may be held administratively liable if he fails to fulfil the obligation to publish the information on the termination of the bankruptcy proceedings in the Register within 10 days from the date of publication of the information on the debtor's liquidation in the Unified State Register of Legal Entities;

if the arbitration court decides to terminate the bankruptcy proceedings after to the official publication of this Judgement, the bankruptcy administrator's obligation to publish information in the Register must be fulfilled within ten days from the date of the arbitration court's decision on the termination of the bankruptcy proceedings.