

**By the Judgement of 11 April 2024 No.17-II, the Constitutional Court assessed constitutionality of Article 85, Article 87 (part 4) and Article 211 of the Code of Administrative Judicial Procedure of the Russian Federation**

The above-mentioned legal provisions was the subject of consideration in so far as they serve as a basis for resolving the issue of the application of provisional protective measures in the event that the court considers an administrative statement of claim challenging an act of a regional authority for the protection of cultural heritage concerning the refusal to include an object possessing the characteristics of a cultural heritage site in the list of identified cultural heritage sites.

The challenged legal provisions were found to be inconsistent with the Constitution since, by establishing the possibility for the court to apply in this case a measure of preliminary protection in the form of a prohibition of the application of the challenged act to the administrative claimant, they unduly restrict the court's powers to apply other measures of preliminary protection in an administrative statement of claim.

Until appropriate legislative changes are made:

When considering the said administrative statement of claim, the court has the right to apply a measure of provisional protection in the form of imposing on the owner of such an object or the land plot on which it is located the obligation not to demolish it;

If the owner of the object, which has the characteristics of a cultural heritage site, or the owner of the land on which it is located (if the owner or legal owner of the object itself cannot be established) is not a party to the case, the court, when applying this provisional protective measure, is obliged to involve the owner or legal owner in the case as an interested party.

The Constitutional Court separately held that the applicant was entitled to compensation mechanisms, the form and amount of which should be determined by the court of first instance hearing the case.