

By the Judgement of 12 March 2024 No. 10-II, the Constitutional Court assessed constitutionality of Article 16 (part 6) of the Federal Law “On the Ombudsman for Financial Services Consumers Rights” and interconnected with it Article 9 (parts 4 and 5), Article 18 (parts 1 and 4), Article 20 (parts 1 and 2) of the mentioned Federal Law.

These legislative provisions have been examined in so far as they serve as a basis for resolving the issue of the reimbursement of fees for the termination by the Financial Ombudsman of the examination of appeals on the assigned right of claim, on the basis of the finding that such appeals are not subject to examination.

The above-mentioned legal provisions were found to be inconsistent with the Constitution because they do not resolve the question of the reimbursement of fees in such cases.

Until the appropriate changes are made a person to whom the right of a consumer of financial services to bring a claim against a financial institution has been assigned and who has paid a fee for the consideration of a claim by the Financial Ombudsman shall not be entitled to a refund of the relevant fee if the consideration is discontinued because the claim is not subject to consideration by the Financial Ombudsman. If the law is not amended to comply with this Judgement before 1 March 2025, the relevant fee paid after that date will be refunded in full (in case of termination on specified ground) until legislation is enacted that provides a different solution to this issue.

The judicial acts issued against the applicant by which the refund of the fee was refused shall be subject to review if the amendments made by the federal legislator pursuant to this Judgement provide for the refund of the such fee (or part of the fee) in such cases and if the federal legislator does not make the necessary legislative amendments by 1 March 2025.