

By the Judgement of 25 January 2024 No.3-II, Constitutional Court of the Russian Federation assessed constitutionality of Article 208 of the Code of Civil Procedure; Article 242¹ (items 1 and 2) and Article 242² (item 6) of the Budget Code; Article 30 (sub-items 1 and 2 of the paragraph 1 of item 5 and paragraph 1 of item 6, and paragraph 1 of item 7 of part 20) of the Federal Law № 83-FZ of 8 May 2010 “On Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Improvement of the Legal Status of State (Municipal) Entities”.

The above-mentioned legal provisions have been considered in their interrelation to the extent that on their basis in the system of the current legal regulation the question of the date from which the period of indexation of monetary sums awarded by the court in case of foreclosure on the funds of the budgets of the budgetary system of the Russian Federation and budgetary institutions should be calculated is solved.

The challenged legal provisions were found to be inconsistent with the Constitution of the Russian Federation because:

the uncertainty of their normative content in the system of current legal regulation gives rise to ambiguous solutions to this issue;

they make it possible to disregard, in resolving this issue, the erroneous sending by the court, at the request of the recovering party, of recovery documents to the wrong authority to which they should be addressed under the law.

Prior to the introduction of legislative changes following from this Judgement and the Judgement of the Constitutional Court No. 34-P of 22 June 2023, the period of indexation of monetary sums awarded by the court in the course of foreclosure on the funds of the budgets of the budgetary system of the Russian Federation and on the funds of budgetary institutions shall be calculated from the date of receipt by the authorized body of the enforcement documents specified in Article 242¹ of the Budgetary Code. If the court, at the request of the claimant, sends these documents by mistake to an authority other than the one to which they should have been sent, the time limit shall be calculated from the date of their receipt by the authority to which the documents were sent by mistake.