

By the Judgement of 26 September 2024 No.41-II, the Constitutional Court assessed constitutionality of Article 16 (item 10 of part 1) and Article 83 (part 9) of the Federal Law “On the Fundamentals of Health Protection of Citizens in the Russian Federation”.

These legal provisions have been the subject of consideration insofar as they relate to the competence of the constituent entities of the Russian Federation to provide citizens (at the expense of the budget of the constituent entity) with medicines for the treatment of diseases included in the list of life-threatening and chronically progressive rare (orphan) diseases, which result in a reduction of life expectancy or disability of a citizen.

The challenged provisions were found to be in conformity with the Constitution insofar as they relate to the competence of the constituent entities of the Russian Federation to provide such citizens with medicines for the treatment of the diseases in question.

The challenged provisions were also found to be inconsistent with the Constitution in that they do not provide for a reserve mechanism for the provision of medicines to persons suffering from the above-mentioned diseases if the corresponding obligation imposed on a constituent entity of the Russian Federation cannot be properly fulfilled.

The Constitutional Court separately noted that the need to establish the above mechanism as a reserve cannot call into question the obligation of authorities of the constituent entities to provide medicines to persons suffering from diseases included in the list of life-threatening and chronically progressive rare (orphan) diseases, even before the relevant amendments are made.