

**By the Judgement of 28 May 2024 No.26-II, the Constitutional Court assessed constitutionality of Article 110 (part 1) of the Arbitration Procedure Code of the Russian Federation.**

The abovementioned provision has been examined in so far as on the basis of it, an arbitration court resolves the question of the reimbursement of legal costs incurred by the debtor in the consideration of a claim on procedural succession made by a person who did not take part in the examination of the case on the side of the claimant, when that claim was found to be unfounded and dismissed.

The contested legal provision was recognised as not contradicting the Constitution of the Russian Federation, because in its constitutional and legal meaning it implies that:

a claim for reimbursement of the debtor's legal costs incurred in considering such a claim may not be denied on the sole ground that a court decision on the merits of the case was not in favour of the debtor;

in considering the possibility of satisfying the said claim, the arbitration court shall determine in each specific case whether the legal costs incurred by the debtor are related to the resolution of the case, whether they are justified and reasonable, whether the debtor may suffer adverse consequences as a result of satisfying the claim for succession beyond the obligations imposed on him by the court, and whether the issue of succession on the part of the claimant was not caused by the debtor's deliberate delay in enforcing the decision on the merits.