

By the Judgement of 8 July 2025 No.28-II, the Constitutional Court assessed constitutionality of Article 1033 (item 3) of the Civil Code of the Russian Federation

This legal provision was the subject of consideration to the extent that it resolves the issue of whether the competition authority recognises the restrictive terms of a commercial concession agreement as violating competition legislation in the framework of an administrative procedure.

The contested legal provision was found as not contradicting the Constitution, since it does not prevent the competition authority from recognising certain restrictive terms of a commercial concession agreement as violating competition legislation in the framework of an administrative procedure (even if an economic entity that dominates the market creates obstacles to other economic entities), because it does not exclude the subsequent verification of the validity of such a decision in court in the event of its challenge, and also does not in itself entail invalidation of the said terms of the agreement, taking into account the possibility of filing appropriate claims in court.