

By the Judgement of 13 November 2025 No.37-II, the Constitutional Court assessed constitutionality of Article 11 of the Federal Law “On the Commissioner for Consumer Rights of Financial Services”.

The specified provision was subject to review to the extent that it serves as the basis for the Council of the Financial Ombudsman Service (hereinafter – the Council) to establish and differentiate the contribution rate of a financial institution for funding the activities of the Service, including considering the results of the financial ombudsman’s review of a consumer’s application – in particular, for introducing an increased contribution rate in case of termination of the review of a consumer’s application due to the impossibility of considering it on the merits because the financial institution, against which the application was filed, failed to provide explanations, documents, and/or information requested by the financial ombudsman and did not inform the latter about the impossibility of providing the requested materials – as well as to the extent that this provision serves as the basis for the judicial recovery of the contribution from a financial institution in case of its non-payment within the established period.

The contested provision has been recognised as not contradicting the Constitution of the Russian Federation to the extent that, within the system of current legal regulation and according to the meaning attributed to it by law enforcement practice, it implies that:

financial institutions designated by this provision as payers are obligated to pay a mandatory public payment intended to form the fund for financing the ombudsman’s activities, calculated using a differentiated rate (which is determined by a special body – the Council, formed, among others, from representatives of the Bank of Russia and the Government of the Russian Federation, as well as representatives of financial market participants), payable in accordance with the established procedure or recoverable under the rules of adversarial proceedings;

a financial institution has no obligation to pay the contribution stipulated by this provision if the financial services consumer’s claims were left unsatisfied by the financial ombudsman’s decision as unsubstantiated;

the maximum amount of such a contribution – in the absence of a direct legislative indication to the contrary – is the amount of the contribution levied when the financial services consumer’s claims are satisfied by the financial ombudsman’s decision;

such a contribution is payable by the financial institution also in case of termination of the financial ombudsman’s review of a financial services consumer’s application due to the financial institution’s failure to provide the materials requested by the financial ombudsman.

The contested provision is also recognized as inconsistent with the Constitution of the Russian Federation to the extent that, within the system of current legal regulation and according to the meaning attributed to it by law enforcement practice, it:

does not establish any requirements regarding the conditions for reviewing the Council's decision on the amount of the differentiated rate for the contributions stipulated by this provision, nor for its publication, and does not provide sufficient procedural guarantees for financial institutions to challenge such a decision, despite its normative properties;

does not establish the amount of the contribution to be levied on a financial institution in case of termination of the financial ombudsman's review of a consumer's application due to the financial institution's failure to provide the materials requested by the financial ombudsman, or the criteria for determining its amount;

does not provide the financial ombudsman and the courts with the authority to reduce the amount of the contribution to be levied on a financial institution in case of termination of the financial ombudsman's review of a consumer's application due to the financial institution's failure to provide the materials requested by the financial ombudsman, taking into account the degree of the financial institution's fault, the impact of the failure to provide materials on the termination of the review, and other relevant circumstances.

Until appropriate amendments are made to the current legal framework to ensure a balance between private and public interests, contributions to the fund for financing the Financial Ombudsman Service shall be paid in the amounts established by the current decision of the Council, which may be revised for future years in the direction of increasing the contribution amounts in accordance with inflation indicators.

The coefficient of 15.0, established by the Council's decision, shall not be applied from the moment this Judgement enters into force. In relevant cases, the coefficient established for cases where the financial ombudsman's decision satisfies the consumer's claims shall apply. In such instances, the validity of its application, as well as the fairness and proportionality of the contribution, are subject to assessment by the court – both when considering a claim by the Financial Ombudsman Service Support Unit for the recovery of the contribution and when considering an application by a financial institution challenging the contribution calculation. The court has the right to reduce the amount of the contribution, taking into account the degree of the financial institution's fault, the impact of the failure to provide materials on the termination of the review of the consumer's application, and other relevant circumstances.

The Council's decision on the amount of the differentiated contribution rate for financial institutions is subject to challenge in the Supreme Court of the Russian Federation under the rules established by the Code of Administrative Judicial Procedure of the Russian Federation for challenging regulatory acts of federal executive bodies.