

By the Judgement of 24 April 2025 № 17-II, the Constitutional Court assessed constitutionality of Article 3 (sub-item 9 of item 2), Article 5 (item 4), and Article 13 (sub-item 2 of item 1 and item 5) of the Federal Law “On the Privatization of State and Municipal Property”

The said legal provisions were the subject of consideration to the extent that the following issues are resolved on their basis:

on the possibility of a unitary enterprise selling real estate assigned to it with the consent of the owner of such property without using the procedures provided = by law;

on the validity of a contract of sale of real estate of a unitary enterprise concluded due to results of a tender that was declared invalid because of participation of only one participant.

The contested provisions do not contradict the Constitution since they:

allow the sale by a unitary enterprise of the real estate assigned to it in the specified case, if this alienation is not a way of circumventing the requirements of the legislation on privatization or an abuse of the right to alienation;

assume the conclusion of sale contract with sole participant of the tender, which recognised as invalid due to the absence of other participants, unless the provisions of the legal act governing the tender (tender documentation) expressly provide that in this case the contract is not concluded and (or) other forms of sale of the relevant property are used.