

**By the Judgement of 24 December 2025 No.49-II, the Constitutional Court assessed constitutionality of Article 44 (part 1) of the Code of Administrative Judicial Procedure of the Russian Federation.**

Aforementioned legal provision was subject to review insofar as it serves as the basis for a court to resolve the issue of succession, including in the enforcement of a judicial act in an administrative case that imposed an obligation on a public authority within the scope of its public powers, in the event of a change of the authority that has these public powers (or exercising public powers), particularly when associated with a change in the mechanism for exercising the relevant powers, namely the inclusion in this mechanism, alongside the public authority vested with administrative and authoritative powers, of a subordinate institution as the entity responsible for carrying out the measures necessary for exercising these powers.

The contested legal provision was found inconsistent with the Constitution insofar as, due to its gaps, it creates uncertainty regarding succession during the consideration of an administrative case and in the enforcement of a judicial act in an administrative case in the specified situation.

The Constitutional Court noted the following specifics regarding the enforcement of this Judgement.

Until the introduction of appropriate legislative changes, the issue of succession in administrative proceedings and in enforcement proceedings related to the execution of judicial acts in administrative cases, in the specified situation, shall be resolved by courts taking into account that the successor to the authority (official) ordered by a judicial act to perform administrative and economic powers may only be recognized as a body (official) that was vested with the corresponding powers, unless otherwise stipulated by the transitional provisions of the legal acts that changed the affiliation of such powers.

Furthermore, if the judicial act in the administrative case, for the enforcement of which enforcement proceedings were initiated, concerned the protection of the rights, freedoms, and lawful interests of an indefinite number of persons, and there has been a change in the affiliation of public powers, the implementation of which constitutes the subject of the enforcement proceedings, then issues regarding the necessity of succession, a change in the method of enforcing the judicial act, or the termination of enforcement proceedings must be decided by the court taking into account whether there has been a significant change (along with change in the affiliation of public powers), from the perspective of the goals of enforcing the judicial act, in the mechanism of their implementation.

The Constitutional Court also indicated that, within the current system of legal regulation (unless the legislator, within its discretionary powers, stipulates

otherwise), the Federal Forestry Agency (Rosleskhoz) or the Federal State Budgetary Institution “Roslesinforg” shall not be recognized as successors in enforcement proceedings for the enforcement of requirements to carry out forest management planning measures, which were upheld by the court against state authorities of a constituent entity of the Russian Federation. The executive authorities of the constituent entities of the Russian Federation – debtors under the said judicial acts – are obligated to send to Rosleskhoz, within the timeframe set by the bailiff, information about the requirements upheld against them regarding conducting forest management planning on a specific territory, which is necessary and sufficient for its inclusion in the forest management planning plan for forests located on lands of the forest fund. The submission of this information to Rosleskhoz is the ground for terminating the enforcement proceedings regarding the corresponding requirements. Fines and enforcement fees for non-compliance with the court decision (or writ of execution) shall not be applied against Rosleskhoz or the Federal State Budgetary Institution “Roslesinforg”, and any unpaid fines and enforcement fees shall not be subject to collection (the enforcement of the corresponding decisions shall be terminated).