

By the Judgement of 9 April 2026 No. 22-II, the Constitutional Court assessed constitutionality of Article 279 (item 6), Article 281 (item 4) of the Civil Code of the Russian Federation and Article 56¹¹ (item 2) of the Land Code of the Russian Federation

These interrelated provisions were examined to the extent that they serve as a basis for courts, when hearing a case concerning the compulsory expropriation of a land plot for state or municipal needs in the event of the land plot owner's disagreement with the amount of compensation offered to him in connection with the expropriation, to resolve the issue of whether it is possible to adopt and order the immediate enforcement of a decision on expropriation of the land plot before the amount of such compensation is determined within the framework of a case separated into separate proceedings and before it is provided to the owner.

The contested interrelated provisions are recognised as not contradicting the Constitution to the extent that while permitting, when hearing a dispute concerning the expropriation of a land plot for state or municipal needs in the aforementioned case, to separate the claim for determination of the amount of compensation into separate proceedings and to adopt a decision on expropriation of the land plot before the final amount of compensation is determined in the separated case, they imply (unless federal laws establish special rules for the adoption of such interrelated decisions) the necessity of providing the land plot owner with the following guarantees in connection therewith:

separation of the case into separate proceedings is permitted only if the validity of the expropriation claim itself is beyond doubt, and may be justified exclusively either by circumstances in which any delay in expropriating the land plot entails risks of significant adverse consequences for the health, rights and legitimate interests of other persons or for the interests of state security, or by the fact that, in the absence of other lawfully constructed real estate objects belonging to the same owner on the land plot to be expropriated, the plot, with the consent or in the absence of objections of the rights holder, is already actually being used for the purposes for which expropriation is being performed;

the decision on expropriation of the land plot must provide for the advance payment or deposit with a notary of the amount of compensation proposed to the owner on the basis of a valuation report prepared when drafting the agreement on expropriation of the land plot for state or municipal needs;

the former owner of the land plot, in addition to receiving the difference between the advance payment made and the amount of compensation determined by the court as a result of the hearing of the case separated into separate proceedings, has the right to compensation for losses caused by the fact that upon expropriation of the land plot he was not provided with compensation in full; such

losses are to be determined in the case separated into separate proceedings, if the corresponding claim is filed therein by the former owner, or in a separate claim brought by the former owner;

if it is established that the circumstances in which any delay in expropriating the land plot entails risks of significant adverse consequences for the health, rights and legitimate interests of other persons or for the interests of state security arise due to untimely or improper performance of the functions of expropriating land plots for state or municipal needs, then, by way of compensation to the former owner, a court decision in the case separated into separate proceedings (if the corresponding claim is filed by him during its hearing) or in a separate claim brought by the former owner shall award interest on the positive difference between the amount of compensation established in the case separated into separate proceedings and the amount of compensation paid in advance or deposited with a notary, the amount of such interest being determined by the key rate of the Central Bank of Russia applicable during the relevant periods, for the period from the date the court decision on expropriation of the property enters into force until the final settlement is made; in this case, losses caused by the said difference shall be compensated in the part not covered by the payment of interest; the court shall refuse to pay such interest (which does not affect the right to compensation for losses where grounds therefor exist) in cases where bad faith on the part of the land plot owner is established, which in any event cannot be deemed to be constituted by his mere disagreement with the proposed amount of compensation;

proceedings on the separated claim for determination of the amount of compensation may not be terminated due to the claimant withdrawing the claim;

if, as a result of the hearing of the case separated into separate proceedings for determination of the amount of compensation, a sum greater than that proposed to the owner on the basis of the valuation report is established, payment of the corresponding positive difference shall be made immediately after such court decision enters into force.

The Constitutional Court indicated that the applicant is entitled to seek, in judicial proceedings, compensation for losses and/or payment of interest in accordance with the operative part of this Judgement.