

By the Judgement of 11 February 2026 No. 6-II, the Constitutional Court assessed constitutionality of Article 108 (part 3) of the Code of Administrative Judicial Procedure of the Russian Federation

The specified legal provision was the subject of consideration insofar as it serves as the basis for resolving the issue of reducing the amount of monetary sums payable to an expert (expert organisation) for conducting an examination, despite such amount having been agreed with the expert (expert organization) prior to the examination and established by a court ruling appointing it.

The contested legal provision is recognised as not conforming to the Constitution of the Russian Federation insofar as it:

while not excluding the authority of the court, including on its own initiative, to reduce the amount of said sums payable to the expert (expert organisation) after the examination has been conducted on the grounds of being excessive, does not define normative criteria for the admissibility of reduction;

according to the meaning attributed to it by law enforcement practice, permits the reduction of the amount of monetary sums payable to a non-governmental expert organisation on the grounds of its excessiveness solely or predominantly due to its non-compliance with normatively established criteria used to determine the cost of conducting examinations in state forensic institutions.

Pending the introduction of appropriate legislative changes, the amount of monetary sums payable to the expert (expert organisation) may, after examination of the expert examination, be reduced by the court on its own initiative, taking into account the opinions of persons participating in the case, or upon the request of persons participating in the case, if it is established that the expert examination lacks conclusions on the questions posed to the expert by the court (in proportion to the research actually performed), that individual conclusions of the expert do not conform to the provisions of regulatory legal acts, that there has been a material violation of legal norms during the conduct of the examination and/or preparation of the opinion, or if an assessment of the expert research in terms of its uniqueness, complexity, volume of materials studied, qualifications of the expert, cost of similar services in other expert organisations, and other significant criteria indicates that the expenses for the examination are clearly unreasonable (excessive). In such a case, the expert (expert organisation) has the right to submit to the court additional justification for the amount of monetary sums payable to the expert (expert organization), and the court is obliged to assess the submitted documents and arguments.