

By the Judgement of 14 April 2026 No. 24-II, the Constitutional Court assessed constitutionality of Article 10 (part 3) of the Federal Law No. 214-FZ «On Participation in Shared-Equity Construction of Apartment Buildings and Other Real Estate and on Amendments to Certain Legislative Acts of the Russian Federation», Article 2 of Federal Law No. 266-FZ «On Amendments to the Federal Law “On Participation in Shared-Equity Construction of Apartment Buildings and Other Real Estate and on Amendments to Certain Legislative Acts of the Russian Federation”», and item 2 of the Resolution of the Government of the Russian Federation «On Establishing Specific Features of the Application of Forfeits (Fines, Penalties), Other Financial Sanctions, and Other Measures of Liability for Non-Performance or Improper Performance of Obligations under Shared-Equity Construction Agreements Provided for by Legislation on Shared-Equity Construction»

The specified provisions were examined to the extent that they determine the amount of financial sanctions in connection with the improper performance by a developer of obligations when citizens participate in shared construction relations.

The contested provisions of the specified federal laws were recognised as not contradicting the Constitution to the extent that, within the system of current legal regulation, they do not imply that, before the new procedure for calculating the amounts of sanctions in shared construction enters into force, such procedure would apply to legal relations that emerged earlier, in particular to legal relations concerning the payment of a fine in connection with the non-performance or improper performance by a developer of obligations when citizens participate in shared construction relations, where the obligation to pay the fine emerged before the new procedure for its calculation came into effect, provided that the moment of its arising is determined based on the specifics of the particular obligations, the conduct of the parties to the relevant legal relations, the presence or absence of signs of abuse of rights, and other relevant circumstances.

Item 2 of the said Resolution was also recognised as not contradicting the Constitution, since it provides, within the period established by the federal legislator, for the retroactive effect of an act of the Government of the Russian Federation issued for the purpose of determining the period during which the amount of interest, penalties (fines, forfeits), and other financial sanctions under shared construction participation agreements is calculated based on the current key rate of the Central Bank in effect on the day the obligations are performed, but not exceeding the key rate of the Central Bank that was in effect as of 1 July 2023.