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**FEDERAL CONSTITUTIONAL LAW
ON THE CONSTITUTIONAL COURT
OF THE RUSSIAN FEDERATION**

FEDERAL CONSTITUTIONAL LAW
ON THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

**TITLE ONE. ORGANIZATION OF THE CONSTITUTIONAL COURT OF THE RUSSIAN
FEDERATION AND THE STATUS OF JUDGES**

CHAPTER I GENERAL PROVISIONS

Article 1. The Constitutional Court of the Russian Federation - Judicial Body of Constitutional Review

The Constitutional Court of the Russian Federation shall be the judicial body of constitutional review, exercising judicial authority autonomously and independently, by means of constitutional judicial proceedings.

Article 2. Legislation on the Constitutional Court of the Russian Federation

The powers, procedures for the constitution and functioning of the Constitutional Court of the Russian Federation shall be determined by the Constitution of the Russian Federation and by the present Federal Constitutional Law.

Article 3. Powers of the Constitutional Court of the Russian Federation

To protect the foundations of the constitutional system and the fundamental human and citizen rights and freedoms, and to ensure the supremacy and direct effect of the Constitution of the Russian Federation on the entire territory of the Russian Federation, the Constitutional Court of the Russian Federation:

1) shall decide cases on conformity with the Constitution of the Russian Federation of:

a) federal laws, normative acts issued by the President of the Russian Federation, the Federation Council, the State Duma, the Government of the Russian Federation;

b) constitutions of republics, charters, as well as laws and other normative acts issued by constituent entities of the Russian Federation on matters pertaining to the jurisdiction of bodies of State Power of the Russian Federation and to the joint jurisdiction of bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation;

c) agreements between bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation, and agreements between bodies of State Power of constituent entities of the Russian Federation;

d) international treaties of the Russian Federation pending their entry into force;

2) shall decide disputes concerning competence:

a) between federal bodies of State Power;

b) between bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation;

c) between supreme bodies of State Power of constituent entities of the Russian Federation;

3) shall, on complaints about violation of constitutional rights and freedoms of citizens, verify the constitutionality of a law that has been applied in a specific case.

3.1) shall, at requests of courts, verify the constitutionality of a law that ought to be applied by a respective court in a specific case.

4) shall give the interpretation of the Constitution of the Russian Federation;

5) shall render a declaratory judgment on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense;

5.1) verifies conformity to the Constitution of the Russian Federation of a question submitted to a referendum in accordance with the Federal Constitutional Law regulating holding of a referendum of the Russian Federation;

6) shall take legislative initiative on matters pertaining to its jurisdiction;

7) shall exercise other powers vested in it by the Constitution of the Russian Federation, the Federation Treaty and federal constitutional laws; may also exercise rights vested in it by agreements concluded in accordance with Article 11 of the Constitution of the Russian Federation on delimitation of jurisdiction and powers between bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation as long as those rights do not contravene its legal nature and destination as a judicial body of constitutional review.

The competence of the Constitutional Court of the Russian Federation as provided for by the present Article, shall not be altered other than by the introduction of an amendment to the present Federal Constitutional Law.

The Constitutional Court of the Russian Federation shall rule exclusively on matters of law.

In carrying out constitutional judicial proceedings the Constitutional Court of the Russian Federation shall refrain from establishment and investigation of actual facts whenever this falls within competence of other courts or other bodies.

Regarding its internal administration the Constitutional Court of the Russian Federation shall adopt the Rules of the Constitutional Court of the Russian Federation.

Article 4. Composition, Procedure for the Establishment, and Duration of Powers of the Constitutional Court of the Russian Federation

The Constitutional Court of the Russian Federation shall consist of nineteen Judges appointed by the Federation Council upon nomination made by the President of the Russian Federation.

The Constitutional Court of the Russian Federation is entitled to carry out its activity provided there is presence of two thirds of the total number of Judges.

The powers of the Constitutional Court of the Russian Federation shall be of unlimited duration.

Article 5. Governing Principles of Functioning of the Constitutional Court of the Russian Federation

The governing principles of the functioning of the Constitutional Court of the Russian Federation shall be independence, collegiality, openness, adversary system and equality of parties.

Article 6. Binding Force of Decisions of the Constitutional Court of the Russian Federation

The decisions of the Constitutional Court of the Russian Federation shall be obligatory throughout the territory of the Russian Federation for all representative, executive, and judicial bodies of State Power, bodies of local government, enterprises, agencies, organizations, officials, citizens and their associations.

Article 7. Guarantees of Functioning of the Constitutional Court of the Russian Federation

The Constitutional Court of the Russian Federation shall be independent of any other body in organizational, financial, and material and technical terms. Funding of the Constitutional Court of the Russian

Federation shall be provided for in the federal budget and shall ensure an independent and comprehensive carrying out of constitutional judicial proceedings. The federal budget shall annually allocate in a separate item funds needed to ensure functioning of the Constitutional Court of the Russian Federation that shall be managed by the Constitutional Court of the Russian Federation autonomously. Spending estimates of the Constitutional Court of the Russian Federation may not be reduced as compared to a preceding financial year.

The Constitutional Court of the Russian Federation shall autonomously and independently provide for informational and personnel support of its functioning.

Assets essential for the functioning the Constitutional Court of the Russian Federation and managed by it shall be the federal property. The Constitutional Court of the Russian Federation may vest the right to manage the aforementioned property in the structural units comprising its staff.

There shall be no restriction of legal, organizational, financial, informational, material and technical, personnel, and other conditions of functioning of the Constitutional Court of the Russian Federation, prescribed by the present Federal Constitutional Law.

CHAPTER II STATUS OF THE JUDGE OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Article 8. Requirements for Candidate for the Office of the Judge of the Constitutional Court of the Russian Federation

A citizen of the Russian Federation who has by the day of the appointment attained forty years of age, of high moral character, who has higher juridical education and work experience in the legal profession of at least fifteen years, who possesses recognized high qualifications in the sphere of law, may be appointed the Judge of the Constitutional Court of the Russian Federation.

Article 9. Procedure of Appointment of the Judge of the Constitutional Court of the Russian Federation

Proposals regarding candidates for offices of Judges of the Constitutional Court of the Russian Federation may be introduced to the President of the Russian Federation by members (deputies) of the

Federation Council and by deputies of the State Duma, as well as by legislative (representative) bodies of constituent entities of the Russian Federation, supreme judicial bodies and federal legal departments, all-Russia law associations, legal research and educational institutions.

The Federation Council shall consider the question of the appointment of the Judge of the Constitutional Court of the Russian Federation in no event later than fourteen days after the receipt of the submission of the President of the Russian Federation.

Each Judge of the Constitutional Court of the Russian Federation shall be appointed individually by secret ballot. The person who receives a majority of the votes of the total number of members (deputies) of the Federation Council shall be considered appointed.

If in the event of a Judge's withdrawal from the composition of the Constitutional Court of the Russian Federation the number of Judges appears to be less than two thirds of the total number of Judges, a submission to appoint another person to fill the vacancy of a Judge shall be made by the President of the Russian Federation to the Council of Federation in no event later than one month after the occurrence of the vacancy.

Article 10. Oath of the Judge of the Constitutional Court of the Russian Federation

The President of the Federation Council under a procedure established by the Federation Council shall administer the oath to a person appointed to the office of Judge of the Constitutional Court of the Russian Federation.

The Judge of the Constitutional Court of the Russian Federation shall take the following oath:

"I do swear to carry out honestly and conscientiously the duties of the Judge of the Constitutional Court of the Russian Federation, bound solely by the Constitution of the Russian Federation and by nothing and no one else."

Article 11. Occupations and Activities Incompatible with the Office of the Judge of the Constitutional Court of the Russian Federation

No Judge of the Constitutional Court of the Russian Federation may be a member (a deputy) of the Federation Council, a deputy of the State Duma, other representative bodies, hold or retain other public or

social office, have private practice, engage in entrepreneurial or any other remunerative activities apart from teaching, academic and other creative activity which shall pose no impediment to the discharge of duties of a Judge of the Constitutional Court of the Russian Federation and shall not be deemed as a valid reason for being absent from a session, if the Constitutional Court of the Russian Federation has not given its consent to it.

No Judge of the Constitutional Court of the Russian Federation may conduct defense or provide representation, other than legal representation, in court, in court of arbitration or in other bodies, render patronage to anyone in obtaining rights and relieving from duties.

No Judge of the Constitutional Court of the Russian Federation may belong to political parties and movements, render material support to them, participate in political actions, conduct political propaganda or campaigning, participate in election campaigns to bodies of State Power and bodies of local self-government, attend congresses and conferences of political parties and movements, engage in other political activity. Nor may he be part of the leadership of any social associations, even if they do not pursue political goals.

No Judge of the Constitutional Court of the Russian Federation shall, when appearing in print, in other means of mass media, or before any audience, publicly express his opinion on the matter which may be subject to consideration by the Constitutional Court of the Russian Federation, as well as the one which is currently under consideration or has been admitted for consideration by the Constitutional Court of the Russian Federation until the decision on the matter has been handed down.

Nothing in the present Article shall be considered as restricting the right of the Judge of the Constitutional Court of the Russian Federation to freely express his will as citizen and voter by voting at elections and referendum.

Article 12. Term of Office of the Judge of the Constitutional Court of the Russian Federation

The term of the office of the Judge of the Constitutional Court of the Russian Federation shall be indefinite. The age limit for the office of the Judge of the Constitutional Court of the Russian Federation shall be seventy years. The Judge of the Constitutional Court of the Russian Federation shall be considered to have assumed his office from the moment of his taking the oath. His powers shall terminate on the last day of the month in which he is to attain the age of seventy. The Judge of the Constitutional Court of the Russian Federation who has attained the age limit for the office of the Judge shall continue to carry out his duties until

the final decision in a case that originated with his participation is handed down, hearing of which was held with his participation.

If in the event of a Judge's withdrawal from the composition of the Constitutional Court of the Russian Federation on the ground indicated in Item 2 or 3 of Section 1 of Article 18 of the present Federal Constitutional Law the number of Judges appears to be less than two thirds of the total number of Judges, he shall continue to carry out the duties of a Judge until the appointment of a new Judge.

The age limit for the office of the Judge established by the present Article, as well as by other federal constitutional laws and federal laws, shall not apply to the President of the Constitutional Court of the Russian Federation.

Article 13. Guarantees of Independence of the Judge of the Constitutional Court of the Russian Federation

The independence of the Judge of the Constitutional Court of the Russian Federation shall be ensured by his irremovability from office, immunity, equality of rights of Judges, the procedure provided for by the present Federal Constitutional Law for suspension and termination of powers of the Judge, the right to resign, the binding force of the established procedure of the constitutional judicial proceedings, the prohibition of any interference whatsoever with the judicial activity, by granting to the Judge material and social security, the guarantees of his safety appropriate to his high status.

Material guarantees of independence of the Judge of the Constitutional Court of the Russian Federation, related to his salary, granting annual leave, social benefits, providing dwelling, social and consumer services, compulsory State life and health insurance of the Judge, as well as of the property belonging to him and to his family members, shall be provided for in accordance with the corresponding guarantees, envisaged by the legislation of the Russian Federation for judges of other superior federal courts. In the event that other legal acts envisage different norms, enhancing the level of legal protection, material and social security of the Judges of the Constitutional Court of the Russian Federation, the provisions of those acts shall apply.

Article 13¹ Procedure for Granting of a Qualification Grade to the Judge of the Constitutional Court of the Russian Federation

On submission of the President of the Constitutional Court of the Russian Federation the supreme judicial qualification grade shall be granted to the Judge of the Constitutional Court of the Russian Federation by the President of the Russian Federation in the course of six months.

Article 14. Irremovability of the Judge of the Constitutional Court of the Russian Federation

The Judge of the Constitutional Court of the Russian Federation shall be irremovable.

The powers of the Judge of the Constitutional Court of the Russian Federation may be terminated or suspended only under the procedure and on the grounds, provided for by the present Federal Constitutional Law.

Article 15. Immunity of the Judge of the Constitutional Court of the Russian Federation

The Judge of the Constitutional Court shall enjoy immunity. The guarantees of the immunity of the Judge of the Constitutional Court shall be provided for by the present Federal Constitutional Law and by a federal law on the status of judges.

The Judge of the Constitutional Court of the Russian Federation, including after expiration of his term of office, shall not be held responsible for an opinion expressed at a session of the Constitutional Court of the Russian Federation, unless found guilty of the malicious abuse of authority by a court sentence that has entered into force.

A disciplinary misdeed committed by a Judge of the Constitutional Court of the Russian Federation (a violation of the present Federal Constitutional Law, a federal law on the status of judges, as well as of the Code of Judicial Ethics adopted by the All-Russia Congress of Judges) shall be punishable pursuant to a decision of the Constitutional Court of the Russian Federation by a disciplinary action, such as:

admonition;

termination of powers of the judge.

Article 16. Equality of Rights of Judges of the Constitutional Court of the Russian Federation

Judges of the Constitutional Court of the Russian Federation shall enjoy equal rights.

The Judge of the Constitutional Court of the Russian Federation shall have the casting vote on all the questions considered in sessions of the Constitutional Court of the Russian Federation.

The powers of the President and Vice-Presidents of the Constitutional Court of the Russian Federation shall be established by the present Federal Constitutional Law.

Article 17. Suspension of Powers of the Judge of the Constitutional Court of the Russian Federation

The powers of the Judge of the Constitutional Court of the Russian Federation may be suspended in the event of:

1) criminal charges being brought against a Judge, or a Judge being joined in an indictment in a separate criminal case;

2) the Judge being temporarily unable to perform his duties due to the state of his health.

Suspension of powers of the Judge of the Constitutional Court of the Russian Federation shall be implemented by the decision of the Constitutional Court of the Russian Federation, taken in no event later than one month after the grounds for such suspension have been revealed.

No Judge of the Constitutional Court of the Russian Federation whose powers have been suspended may participate in sessions of the Constitutional Court of the Russian Federation or send official documents to the state bodies and organizations, social associations, officials and citizens and to demand from them any documents or other information.

The Constitutional Court of the Russian Federation shall suspend powers of the Judge until grounds for such suspension cease to exist. The restoration of powers of the Judge shall be formalized by the decision of the Constitutional Court of the Russian Federation, with the exception of the event provided for in Paragraph 2 of Section One of the present Article.

Suspension of powers of the Judge of the Constitutional Court of the Russian Federation shall not entail the suspension of payment of the Judge's salary and shall not deprive him of the guarantees stipulated by the present Federal Constitutional Law.

Article 18. Termination of Powers of Judge of the Constitutional Court of the Russian Federation

The powers of the Judge of the Constitutional Court of the Russian Federation shall be terminated in view of the following:

1) the violation of the procedure of his appointment as Judge of the Constitutional Court of the Russian Federation as established under the Constitution of the Russian Federation and the present Federal Constitutional Law;

- 2) the attainment of the age limit for the office of the Judge;
- 3) his personal application in writing for early retirement prior to the attainment of the age limit for the office of the Judge;
- 4) the forfeiture by the Judge of the citizenship of the Russian Federation;
- 5) the decision of conviction passed upon the Judge that has come into legal effect;
- 6) the commission by the Judge of an act defamatory to the honor and dignity of the Judge;
- 7) the Judge's continuation of occupations and activities incompatible with his office in spite of an admonition from the Constitutional Court of the Russian Federation;
- 8) failure by the Judge to attend the sessions of the Constitutional Court of the Russian Federation or his vote evasion for more than two times in succession without a valid reason;
- 9) the declaration of the Judge as incapable person by a court decision that has come into legal effect;
- 10) the declaration of the Judge as missing person by court decision that has come into legal effect;
- 11) the declaration of the Judge as dead person by court decision that has come into legal effect;
- 12) death of the Judge.

The powers of the Judge of the Constitutional Court of the Russian Federation may also be terminated in view of his incapacity due to health reasons or due to other valid reasons to perform duties of a Judge during an extended period of time (not less than ten months in succession).

The termination of the powers of the Judge of the Constitutional Court of the Russian Federation shall be implemented by the decision of the Constitutional Court of the Russian Federation which shall be transmitted to the President of the Russian Federation, to the Federation Council and which shall constitute an official notification of the occurrence of the vacancy.

The termination of the powers of the Judge of the Constitutional Court of the Russian Federation under the provisions of Paragraph 1 of Section One of the present Article shall be effected by the Federation Council upon the submission of the Constitutional Court of the Russian Federation.

Termination of powers of a Judge of the Constitutional Court of the Russian Federation on the ground indicated in Item 6, 7 or 8 of Section 1 of the present Article shall be effected by the Council of Federation upon submission of the Constitutional Court of the Russian Federation adopted by the majority of not less than two thirds of the number of acting Judges.

Article 19. Retirement of the Judge of the Constitutional Court of the Russian Federation

The Judge shall be considered retired or removed into retirement if his powers are terminated on the grounds stipulated by Paragraphs 2, 3 and 9 of Section One and by Section Two of Article 18 of the present Federal Constitutional Law.

The retired Judge of the Constitutional Court of the Russian Federation with a period of service in the office of the judge of not less than fifteen years, irrespective of his age, shall be paid at his choice either the pension or the tax-free monthly life allowance equal to eighty per cent of the salary of the Judge of the Constitutional Court of the Russian Federation in office. The work experience, making him eligible to monthly life allowance, shall include the preceding experience in the legal profession.

The procedure for assessment and payment of the monthly life allowance shall be prescribed by the Government of the Russian Federation upon the submission of the Constitutional Court of the Russian Federation. Funding for the payment of the monthly life allowance to the retired Judges of the Constitutional Court of the Russian Federation shall be appropriated from the federal budget.

Other provisions pertinent to the status of a retired judge, established by the legislation of the Russian Federation, shall extend to the retired Judge of the Constitutional Court of the Russian Federation.

CHAPTER III STRUCTURE AND ORGANIZATION OF FUNCTIONING OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Article 20. Organizational Forms of Constitutional Judicial Proceedings

The Constitutional Court of the Russian Federation shall consider and decide cases in sessions of the Constitutional Court of the Russian Federation with the holding of hearings, and in cases and procedures stipulated by Article 471 of the present Federal Constitutional Law without holding of hearings.

Article 21. Questions considered in Sessions of the Constitutional Court of the Russian Federation

The Constitutional Court of the Russian Federation shall consider in sessions all questions related to powers of the Constitutional Court of the Russian Federation stipulated by the Constitution of the Russian Federation and Article 3 of the present Federal Constitutional Law.

The Constitutional Court of the Russian Federation in sessions shall also:

- 1) approve the messages of the Constitutional Court of the Russian Federation;

2) adopt the Rules of the Constitutional Court of the Russian Federation and introduce amendments and additions thereto;

3) decide on the nomination of a Judge of the Constitutional Court of the Russian Federation to be awarded a state decoration of the Russian Federation including conferment upon him an honorary title of the Russian Federation, and on requesting the President of the Russian Federation for his consent to acceptance by a Judge of the Constitutional Court of the Russian Federation of a or other honorable distinction of a foreign state;

4) decide on suspension or termination of the powers of the Judge of the Constitutional Court of the Russian Federation and on the existence of the grounds for early termination by the Federation Council on the submission of the President of the Russian Federation of the powers of the President or the Vice-Presidents of the Constitutional Court of the Russian Federation;

5) exercise other powers envisaged by the present Federal Constitutional Law.

Article 22. Repealed

Article 23. Appointment to the Office of the President and Vice-Presidents of the Constitutional Court of the Russian Federation

The President of the Constitutional Court of the Russian Federation shall be appointed to the office by the Council of the Federation upon submission of the President of the Russian Federation for the term of six years from among the Judges of the Constitutional Court of the Russian Federation.

The President of the Constitutional Court of the Russian Federation shall have two Vice-Presidents who shall be appointed to the office by the Federation Council upon submission of the President of the Russian Federation from among the Judges of the Constitutional Court of the Russian Federation.

The President and Vice-Presidents of the Constitutional Court of the Russian Federation may be re-appointed to the office for new terms upon expiration of preceding terms of office.

The President and Vice-Presidents of the Constitutional Court of the Russian Federation may vacate their respective offices by submitting a personal application in writing. Such vacation of offices shall be acknowledged by the decision of the Constitutional Court of the Russian Federation.

The powers of the President or the Vice-Presidents of the Constitutional Court of the Russian Federation may be terminated early by the Federation Council upon submission of the President of the Russian Federation if it is established by the decision of the Constitutional Court of the Russian Federation

that the President or a Vice-President of the Constitutional Court of the Russian Federation fail to perform their duties or perform them in an inappropriate manner. The aforementioned decision of the Constitutional Court of the Russian Federation shall be adopted by the majority of no less than two thirds of the number of acting Judges of the Constitutional Court of the Russian Federation by secret ballot in the procedure established by the Rules of the Constitutional Court of the Russian Federation. Termination of the powers of the President or the Vice-Presidents of the Constitutional Court of the Russian Federation as Judges of the Constitutional Court of the Russian Federation on the grounds envisaged by Paragraphs 1, 6, 7 or 8 of Section 1 of Article 18 of the present Federal Constitutional Law shall not be permitted without termination of his powers as the President or the Vice-President of the Constitutional Court of the Russian Federation.

If the offices of the President or a Vice-President of the Constitutional Court of the Russian Federation fall vacant, the President or the Vice-President of the Constitutional Court of the Russian Federation shall be appointed to the office under the procedure established by the present Article. Upon expiration of their terms the President or a Vice-President of the Constitutional Court of the Russian Federation shall continue to carry out their duties until the appointment to the office of the new President or the Vice-President of the Constitutional Court of the Russian Federation.

Article 24. The President of the Constitutional Court of the Russian Federation

The President of the Constitutional Court of the Russian Federation shall:

- 1) oversee preparation of the sessions of the Constitutional Court of the Russian Federation, convene them and preside over them;
- 2) submit for the consideration of the Constitutional Court of the Russian Federation the questions to be considered at its sessions;
- 3) represent the Constitutional Court of Russian Federation in relations with state bodies and organizations, social associations, and, under the authority of the Constitutional Court of Russian Federation, issue statements on its behalf;
- 4) perform general management of the staff of the Constitutional Court of the Russian Federation, submit for the confirmation by the Constitutional Court of the Russian Federation candidates for head of the Apparatus and head of the Secretariat of the Constitutional Court of the Russian Federation as well as the Regulations of the Secretariat of the Constitutional Court of the Russian Federation and the structure of the staff;
- 5) exercise other powers in accordance with the present Federal Constitutional Law and the Rules of the Constitutional Court of the Russian Federation.

The President of the Constitutional Court of the Russian Federation shall issue orders and directives.

Article 25. Temporary Performance of Duties of the President of the Constitutional Court of the Russian Federation

Whenever the President of the Constitutional Court of the Russian Federation is unable to perform his duties they shall be temporarily performed by one of the Vice-Presidents of the Constitutional Court of the Russian Federation by authorization of the President of the Constitutional Court of the Russian Federation.

In the event that a Vice-President of the Constitutional Court of the Russian Federation is unable to perform duties of the President, temporary performance of those duties shall be assumed by a Judge with the longest time of service as the Judge of the Constitutional Court of the Russian Federation, and in the event of such time being even – to the Judge of the Constitutional Court of the Russian Federation with the seniority of age.

Article 26. Vice-Presidents of the Constitutional Court of the Russian Federation

The Vice-Presidents of the Constitutional Court of the Russian Federation shall exercise on authorization of the President of the Constitutional Court of the Russian Federation certain of his powers, as well as perform other duties imposed on them by the President of the Constitutional Court of the Russian Federation.

Article 27. – Repealed

Article 28. Rules of the Constitutional Court of the Russian Federation

On the basis of the Constitution of the Russian Federation and the present Federal Constitutional Law the Rules of the Constitutional Court of the Russian Federation shall establish procedure for defining the priority of considering cases in the sessions, rules of procedure and etiquette in the sessions, the special character of the office-work in the Constitutional Court of the Russian Federation, requirements to be met by members of the staff of the Constitutional Court of the Russian Federation and other questions of internal administration of the Constitutional Court of the Russian Federation.

TITLE TWO. GENERAL RULES OF PROCEEDINGS IN THE CONSTITUTIONAL COURT OF
THE RUSSIAN FEDERATION

CHAPTER IV PRINCIPLES OF THE CONSTITUTIONAL JUDICIAL PROCEEDINGS

Article 29. **Independence**

The Judges of the Constitutional Court of the Russian Federation shall be independent and while exercising their powers shall be guided solely by the Constitution of the Russian Federation and the present Federal Constitutional Law.

In their activity the Judges of the Constitutional Court of the Russian Federation shall act in their personal capacity and shall not represent any state or social bodies, political parties and movements, state, social, other enterprises, agencies and organizations, officials, state and territorial establishments, nations, societal groups.

The decisions and other acts of the Constitutional Court of the Russian Federation shall express the legal position of the Judges corresponding to the Constitution of the Russian Federation and free from political bias.

The Judges of the Constitutional Court of the Russian Federation shall pass decisions under conditions exclusive of any outside influence upon free expression of their will. They may not communicate inquiries to, or receive instructions from anyone pertaining to the questions admitted for the preliminary review or that are being considered by the Constitutional Court of the Russian Federation.

Any interference with the functioning of the Constitutional Court of the Russian Federation shall be prohibited and shall entail responsibility under the law.

Article 30. **Collegiality**

The Constitutional Court of the Russian Federation shall consider cases and questions and take decisions on them collegially. The decision shall be taken only by those Judges who participated in consideration of the case in the court session.

The Constitutional Court of the Russian Federation shall have authority to take decisions in sessions provided no fewer than two thirds of the number of acting Judges are present.

The Judges who are excluded from consideration of the case and whose powers are suspended shall not be taken into account when determining the quorum.

Article 31. **Openness**

Consideration of cases assigned for hearing in the session of the Constitutional Court of the Russian Federation shall be open. The holding of sessions *in camera* shall only be permitted if stipulated by the present Federal Constitutional Law. Decisions taken both in open sessions and in sessions *in camera* shall be pronounced publicly.

Article 32. Oral Hearings

The hearings in the sessions of the Constitutional Court of the Russian Federation shall be oral. In the course of oral hearings the Constitutional Court of the Russian Federation shall hear explanations of the parties, testimonies of experts and witnesses, read out available documents.

The documents that were submitted to the Judges and the parties for familiarization, or the contents of which were stated in the hearings on that particular case need not be read out in the session of the Constitutional Court of the Russian Federation.

Article 33. Language of the Constitutional Judicial Proceedings

The judicial proceedings in the Constitutional Court of the Russian Federation shall be conducted in the Russian language.

The participants in the proceedings not conversant with the Russian language shall be entitled to plead in another language and to use the services of an interpreter.

Article 34. Continuity of Court Session

The session of the Constitutional Court of Russian Federation on every case shall be continuous, excluding time reserved for rest or required to prepare the participants in the proceedings for further hearings, as well as for the removal of the circumstances hampering the normal course of the session.

Sections Two to Four - **Repealed**

Article 35. Adversary Proceedings and Equality of Arms

The parties shall enjoy equal rights and opportunities while asserting their positions in the session of the Constitutional Court of the Russian Federation on the adversarial basis, as well as when cases are considered by the Constitutional Court of the Russian Federation in the procedure stipulated by Article 47¹ of the present Federal Constitutional Law.

CHAPTER V PETITION TO THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Article 36. Reasons and Grounds for Consideration of a Case in the Constitutional Court of the Russian Federation

The reason for the consideration of a case in the Constitutional Court of the Russian Federation shall be a petition to the Constitutional Court of the Russian Federation made in the form of a request, application or complaint meeting the requirements of the present Federal Constitutional Law.

The ground for consideration of a case shall be the discovery of an uncertainty in the question whether a law, other enactment, a treaty between bodies of State Power, an international treaty pending its entry into force, are compatible with the Constitution of the Russian Federation, or the discovery of a contradiction in the positions of the parties on the possession of the authority in the disputes concerning competence, or the discovery of an uncertainty in the understanding of the provisions of the Constitution of the Russian Federation, or the State Duma charging the President of the Russian Federation with high treason or with commission of other grave offense.

Article 37. General Requirements to the Petition

The petition shall be communicated to the Constitutional Court of the Russian Federation in writing and shall be signed by an authorized person (authorized persons).

The petition shall indicate:

- 1) the Constitutional Court of the Russian Federation as the body to which the petition is communicated;
- 2) the designation of the petitioner (in a complaint of a citizen - his full name): the address and other data about the petitioner;
- 3) required details about the representative of the petitioner and his powers except for *ex officio* representation;
- 4) the designation and the address of the state body which issued the act to be verified or which is a party to the dispute about competence;
- 5) the provisions of the Constitution of the Russian Federation and the present Federal Constitutional Law which entitle to petition the Constitutional Court of the Russian Federation;
- 6) the exact name, number, date of adoption, source of publication, and other details about the act to be verified or the provision of the Constitution of the Russian Federation subject to interpretation;
- 7) specific grounds, provided for by the present Federal Constitutional Law for the consideration of the petition by the Constitutional Court of the Russian Federation;
- 8) the position of the petitioner on the question raised by him and its legal substantiation with reference to the relevant norms of the Constitution of the Russian Federation;
- 9) the demand addressed to the Constitutional Court of the Russian Federation in connection with the request, application or complaint;
- 10) the list of documents enclosed with the petition.

Article 38. Documents enclosed with the Petition

Enclosed with the petition to the Constitutional Court of the Russian Federation shall be:

- 1) the text of the act to be verified or the provisions of the Constitution of the Russian Federation to be interpreted;
- 2) the power of attorney or other document confirming the powers of the representative except ex officio representation, as well as copies of the documents confirming the right of an individual to act in the Constitutional Court of the Russian Federation as a representative;
- 3) the document confirming payment of the state fee;
- 4) the translation into the Russian language of all the documents and other materials written in a different language.

Enclosed with the petition may be the lists of witnesses and experts to be summoned to the session of the Constitutional Court of the Russian Federation, as well as other documents and materials.

The petition and the documents and other materials enclosed with it as required by Section One of the present Article shall be communicated to the Constitutional Court of the Russian Federation with one copy.

Article 39. State Fee

Grounds and procedure of charging the state fee for the petition to the Constitutional Court of the Russian Federation, refund or credit of the state fee and granting of privileges on charging the state fee shall be established in accordance with the legislation on taxes and duties with account of specificities envisaged by the present Federal Constitutional Law.

The Constitutional Court of the Russian Federation may exempt a citizen from paying the state fee or reduce the fee given his material standing.

The requests of courts, the requests for the interpretation of the Constitution of the Russian Federation, the applications of the President of the Russian Federation concerning the disputes about competence when he is not a party to these disputes, the requests for an advisory opinion on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense, shall not be subject to state fee.

The state fee shall be refunded if the petition is not admitted for consideration, or if the proceeding on the case is discontinued.

CHAPTER VI PRELIMINARY CONSIDERATION OF PETITIONS

Article 40. Consideration of Petitions by the Secretariat of the Constitutional Court of the Russian Federation

Petitions communicated to the Constitutional Court of the Russian Federation shall be subject to compulsory registration.

In the event that the petition:

- 1) is manifestly beyond the jurisdiction of the Constitutional Court of the Russian Federation;
- 2) does not meet in its form the requirements of the present Federal Constitutional Law;
- 3) originates from an inappropriate body or person;
- 4) has not been paid for by the state fee, unless stipulated otherwise by the present Federal Constitutional Law;

5) cannot be recognized as admissible in connection with the expiry by the moment of lodging an individual or collective complaint against violation of constitutional rights and freedoms by a law of the term from the day of completion of consideration in court of a concrete case in which the contested law has been applied, envisaged by Article 97 of the present Federal Constitutional Law,

the Secretariat of the Constitutional Court of the Russian Federation shall notify the petitioner that his petition does not meet the requirements of the present Federal Constitutional Law. The petitioner shall be entitled to demand that the Constitutional Court of the Russian Federation take a decision on this question.

Once the deficiencies indicated in Paragraphs 2 and 3 of Section Two of the present Article have been removed, the petitioner shall be entitled to re-submit his petition to the Constitutional Court of the Russian Federation

In the event that the petition is manifestly beyond the jurisdiction of the Constitutional Court of the Russian Federation, the Secretariat of the Constitutional Court of the Russian Federation may refer it to the state bodies or organizations which are competent to resolve questions raised in it.

Article 41. Preliminary Review of Petition by Judges of the Constitutional Court of the Russian Federation

The President of the Constitutional Court of the Russian Federation under the procedure prescribed by the Constitutional Court of the Russian Federation shall assign one or several Judges to preliminary review of the petition. The preliminary review of the petition by the Judge (Judges) shall be a compulsory stage of the proceedings in the Constitutional Court of the Russian Federation.

The finding of the Judge (Judges) of the Constitutional Court of the Russian Federation on the results of the preliminary review of the petition shall be reported at the session of the Constitutional Court of the Russian Federation.

Article 42. Admission of Petition for Consideration

The decision on the question of admission of the petition for consideration shall be taken by the Constitutional Court of the Russian Federation in session in no event later than three months from the moment of registration of the petition.

The parties shall be notified of the decision taken by the Constitutional Court of the Russian Federation.

In the event of urgency the Constitutional Court of the Russian Federation may propose to the respective bodies and officials that they suspend the challenged act, the process of entry of the challenged international treaty of the Russian Federation into force until the Constitutional Court of the Russian Federation has completed the consideration of the case.

Article 43. Dismissal of Petition

The Constitutional Court of the Russian Federation shall take a decision to dismiss the petition in the events where:

- 1) resolution of the question raised in the petition is beyond the jurisdiction of the Constitutional Court of the Russian Federation;
- 2) in accordance with the requirements of the present Federal Constitutional Law the petition is inadmissible;
- 3) the Constitutional Court of the Russian Federation has issued a judgment on the subject matter of the petition, that judgment retaining its force, when the petition has been sent in accordance with Section 1 of Article 85 or Section 2 of Article 101 of the present Federal Constitutional Law in connection with adoption of the decision by an inter-State body for the protection of human rights and freedoms;
- 4) the act whose constitutionality is being contested was abrogated or lost force, with the exception of cases when it continues to be applied to legal relations having arisen during its operation.

Section 2 lost force.

Article 44. Withdrawal of Petition

The petition to the Constitutional Court of the Russian Federation may be withdrawn by the petitioner prior to the commencement of the consideration of the case in the session of the Constitutional Court of the Russian Federation. In case of withdrawal of the petition consideration of the case shall be discontinued.

CHAPTER VII GENERAL PROCEDURAL PROVISIONS OF CONSIDERATION OF CASES IN THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Article 45. Convocation of Sessions

The sessions of the Constitutional Court of the Russian Federation shall be convoked by the President of the Constitutional Court of the Russian Federation.

Article 46. – Repealed

Article 47. Assigning Cases for Hearing

The decision on assigning cases for hearing in the session of the Constitutional Court of the Russian Federation shall be taken by the Constitutional Court of the Russian Federation in no event later than one month after the admission of the petition for consideration. The decision shall indicate the sequence in which cases are to be heard.

Article 47¹. Resolution of Cases without Holding of Hearings

The Constitutional Court of the Russian Federation may consider and decide cases on conformity to the Constitution of the Russian Federation of normative legal acts indicated in Item 1 of Section 1 of Article 3 of the present Federal Constitutional Law, verify upon complaint against violation of constitutional rights and freedoms of citizens constitutionality of a law applied in a concrete case, or verify upon request of a court constitutionality of a law subject to application in a concrete case without holding of hearings, if it comes to the conclusion that the question of constitutionality of a normative legal act can be resolved on the basis of legal positions contained in Judgments of the Constitutional Court of the Russian Federation adopted earlier and that holding of hearings is not necessary for ensuring of rights of the petitioner – citizen or association of citizens.

Application with objection against application of the procedure of resolution of a case without holding of hearings may be forwarded by a body of State power in the event when hearing of a case is contemplated on conformity to the Constitution of the Russian Federation of a normative legal act, adopted by the respective body of State power, or a petitioner.

Resolution of a case without holding of hearings shall be exercised in the session of the Constitution Court of the Russian Federation. On the outcome of the resolution of the case without holding of hearings a judgment shall be passed.

At the resolution of a case without holding of hearings the provisions of Articles 48 – 53 of the present Federal Constitutional Law shall be applied, with the exception of the provisions whose application is possible exclusively at oral consideration with holding of hearings.

Should the Constitutional Court of the Russian Federation intend to resolve the case on the conformity with the Constitution of the Russian Federation of the normative legal acts indicated in Paragraph 1 of

Section One of Article 3 of the present Federal Constitutional Law, to verify, upon complaint about violation of constitutional rights and freedoms of citizens, constitutionality of a law that has been applied in a specific case, or to verify, at a request of a court, constitutionality of a law that ought to be applied in a specific case without holding a hearing, copies of the petition and of the documents and materials enclosed therewith shall be forwarded by the Judge Rapporteur to the body which issued (to the official who signed) the challenged act for submission of a written response to the Constitutional Court of the Russian Federation. The response submitted to the Constitutional Court of the Russian Federation shall be forwarded to the petitioner for familiarization and submission of objections to it.

Article 48. Joinder of Cases

The consideration of each case shall be the subject of a special session. The Constitutional Court of the Russian Federation may join in single proceeding petitions pertaining to one and the same subject.

Article 49. Preparation of Case for Hearing

To prepare the case for hearing, to draw up a draft decision of the Constitutional Court of the Russian Federation, as well as to present case materials in the session, the Constitutional Court of the Russian Federation shall appoint one or several Judges Rapporteurs.

While reviewing the petition and preparing the case for hearing the Judge Rapporteur shall demand, within the powers of the Constitutional Court of the Russian Federation, the necessary documents and other materials, order examinations, studies, expert findings, shall consult specialists, submit inquiries. The Judge Rapporteur and the Judge presiding in the session shall define the range of persons to be invited and summoned to the session, shall issue directives providing for the notification of the venue and the time of the session and for the communication of the necessary materials to the participants in the proceedings.

Article 50. Demands of the Constitutional Court of the Russian Federation

Demands of the Constitutional Court of the Russian Federation for the production of texts of enactments and other legal acts, documents and their copies, case files, information and other materials; for certification of documents and texts of enactments; for examinations, studies and expert findings; for establishment of certain circumstances; for specialists to be involved; for explanations, consultations to be provided and for professional opinions on the cases under consideration to be stated, shall be binding for all bodies, organizations and persons to whom they may be addressed. The demands of the Constitutional Court of the Russian Federation shall be considered and the reply on the results of such consideration shall be communicated to the Constitutional Court of the Russian Federation in no event later than one month after

the receipt of the aforementioned demands, unless the Constitutional Court of the Russian Federation specifies other time.

Expenses related to execution by the state bodies and organizations of demands of the Constitutional Court of the Russian Federation shall be borne by those bodies and organizations. Expenses incurred by other organizations and persons shall be reimbursed from the federal budget as prescribed by the Government of the Russian Federation.

Refusal or evasion from consideration or execution, breach of time limits for consideration or execution, non-execution or improper execution of demands of the Constitutional Court of the Russian Federation as well as deception shall entail the responsibility under the legislation of the Russian Federation.

Article 51. Distribution of Materials. Notification of a Session

Notification of a session of the Constitutional Court of Russian Federation, copies of petitions and responses received thereto, copies of the acts being verified, and, if necessary, other documents shall be communicated to the Judges and the parties to the proceedings in no event later than ten days prior to the commencement of the session. Responses to the petitions shall be communicated within this period only if they have arrived no later than two weeks prior to the commencement of the session.

The announcements of the sessions of the Constitutional Court of the Russian Federation shall be posted at locations on its premises accessible to citizens, as well as made through mass media.

Article 52. Participants in Proceedings

The participants in the proceedings in the Constitutional Court of the Russian Federation shall be the parties, their representatives, witnesses, experts, interpreters.

Article 53. Parties and their Representatives

The parties in the constitutional judicial proceedings shall be:

- 1) petitioners - bodies or persons that have petitioned the Constitutional Court of the Russian Federation;
- 2) bodies or officials that have issued or signed the act, the constitutionality of which is to be verified;
- 3) state bodies the competence of which is being contested.

The following may act as representatives of parties ex officio: the head of the body who signed the petition to the Constitutional Court of Russian Federation, the head of the body which issued the challenged act or which is a party to the dispute about competence, the official who signed the challenged act, any member (deputy) of the Federation Council or deputy of the State Duma from among those who made the inquiry. The parties may also be represented by advocates or persons with an academic degree in law,

whose powers are confirmed by relevant documents. Each party may have no more than three representatives.

The parties shall have equal procedural rights. The parties and their representatives shall have the right to familiarize themselves with the materials in the case, state their position on the case, pose questions to other participants in the proceedings, submit motions, including those to recuse a Judge. The party may submit written responses to the petition which shall be appended to the materials in the case, may acquaint itself with responses of the other party.

The parties and their representatives, when summoned by the Constitutional Court of the Russian Federation, shall appear before it, plead and answer questions. Failure of the party or its representative to appear in the session of the Constitutional Court of the Russian Federation shall not prevent the consideration of the case, unless the party applies for the case to be considered in its presence and certifies valid reason for its absence.

Article 54. Open Sessions

The sessions of the Constitutional Court of the Russian Federation shall be open unless stipulated otherwise by the present Federal Constitutional Law. Those present shall have the right to record the course of the session from their seats. Taking of motion or still pictures, video-taping, live radio or television broadcasting of the session shall be permitted with the leave granted by the Constitutional Court of the Russian Federation.

With a view to ensuring safety of those present in the session of the Constitutional Court of the Russian Federation the President of the Constitutional Court of the Russian Federation with the consent of the Constitutional Court of the Russian Federation may order to inspect persons willing to attend the session, including checking of the identification documents, as well as the search of items brought to the courtroom and personal search.

Those present in the courtroom shall treat with due respect the Constitutional Court of the Russian Federation and its rules and procedures, obey the directives of the Presiding Judge to observe the schedule of the session.

The order in the session of the Constitutional Court of the Russian Federation shall be maintained by bailiffs whose demands shall be binding on all those present.

An individual who breaks the order in the session or fails to obey the lawful directives of the Presiding Judge may be removed from the courtroom after warning. The Presiding Judge may, with the consent of the Constitutional Court of the Russian Federation, remove the public after warning if it has broken the order and thereby violated the normal course of the session.

The Constitutional Court of the Russian Federation may impose a fine equaling up to one thousand Rubles upon a person breaking the order or not obeying the lawful orders of the Presiding Judge.

Article 55. Session *In Camera*

The Constitutional Court of the Russian Federation shall schedule a session *in camera* when it is necessary to preserve secrets protected by law, to ensure safety of citizens, to protect social moral.

The session *in camera* may be attended by the Judges of the Constitutional Court of the Russian Federation, parties and their representatives. The possibility of attendance by other participants in the proceedings and by members of the Secretariat of the Constitutional Court of Russian Federation who directly ensure the normal course of a session shall be decided by the Presiding Judge in coordination with the Judges.

In the session *in camera* cases shall be considered in accordance with the general rules of constitutional judicial proceedings.

Article 56. Exclusion of the Judge from Participation in the Consideration of a Case

The Judge of the Constitutional Court of the Russian Federation shall be excluded from participation in the consideration of a case if:

- 1) previously the Judge by virtue of his official position was involved in adoption of the act under consideration;
- 2) objectivity of the Judge in deciding the case may be questioned due to his ties by blood or by marriage to the representatives of the parties.

Under the circumstances provided for in Section One of the present Article the Judge of the Constitutional Court of the Russian Federation shall recuse himself before the hearing of the case begins.

The exclusion of the Judge of the Constitutional Court of the Russian Federation from the participation in the hearing of the case shall be done by the motivated decision of the Constitutional Court of the Russian Federation taken by the majority of the Judges present after hearing the Judge whose dismissal is to be decided upon.

Article 57. Session Schedule

At the appointed time the Presiding Judge, having certified the presence of a quorum, shall open the session of the Constitutional Court of Russian Federation and announce which case is due to be considered.

The Presiding Judge shall certify the presence of the participants in the proceedings and verify the credentials of the representatives of the parties. If any of the participants in the proceedings fail to appear or if the representative of the party lacks proper authority, the presiding Judge shall raise the question of the

possibility of consideration of the case. If the Constitutional Court of the Russian Federation recognizes that the case cannot be considered, it shall be adjourned.

The presiding Judge shall explain to the parties and their representatives their rights and duties, and to other participants in the proceedings their rights, duties and responsibility.

Article 58. Judge Presiding in Session

The Judge presiding in the session of the Constitutional Court of the Russian Federation shall conduct the session taking necessary measures to provide for the prescribed procedure of the hearing, its completeness and comprehensiveness, to have its course and results recorded; shall remove from the hearings anything that is irrelevant to the case under consideration; shall give the floor to the Judges and the participants in the proceedings; shall interrupt the statements of the participants in the proceedings if they concern questions irrelevant to the hearing, withdraw their right to address the Court if they arbitrarily break the sequence of speeches, if they ignored twice the demands of the Presiding Judge, if they use rude or insulting words, make assertions and appeals prosecuted under law.

Objections made by any of the participants in the proceedings to the directives and actions of the Presiding Judge shall be entered into the records of the session. The directives and actions of the Presiding Judge may be reconsidered by the Constitutional Court of the Russian Federation during the same session at the proposal of a party or any Judge.

Article 59. Records

The records, meeting the requirements stipulated by the Rules of the Constitutional Court of the Russian Federation, shall be kept during the session of the Constitutional Court of the Russian Federation.

Verbatim record of the session may be kept to provide for a complete and precise record.

The record of the session shall be signed by the President of the Constitutional Court of the Russian Federation or on his authorization by one of the Vice-Presidents of the Constitutional Court of the Russian Federation.

The parties shall have the right to read the record and verbatim record of the session of the Constitutional Court of the Russian Federation and submit comments on them. Other participants in the proceedings may read the record and verbatim record with the leave granted by the Constitutional Court of the Russian Federation.

Comments on the record or verbatim record of the session shall be considered jointly by the Presiding Judge and the Judge Rapporteur with the participation where necessary of the persons who submitted

comments. Comments on the record and verbatim record of the session as well as the decision to verify their authenticity or to reject them shall be appended to the record and to the verbatim record, respectively.

Article 60. Procedure for Investigation of Questions

The investigation of the merits of the case under consideration in the session of the Constitutional Court of the Russian Federation shall open with the statement made by the Judge Rapporteur on the grounds and reasons for the consideration of the case, on merits of the question, on the contents of the available materials and on the measures taken to prepare the case for the consideration. Other Judges of the Constitutional Court of the Russian Federation may pose questions to the Judge Rapporteur.

After the conclusion of a statement by the Judge Rapporteur the Constitutional Court of the Russian Federation shall hear the motions of the parties and shall decide on the procedure for the investigation of the questions of the case.

The procedure established by the decision of the Constitutional Court of the Russian Federation may be altered only by the Constitutional Court of the Russian Federation itself. The proposals on the procedure for the investigation of questions put forward by the Judges of the Constitutional Court of the Russian Federation in the course of the consideration shall be considered by the Constitutional Court of the Russian Federation without delay.

Article 61. Adjournment of Session

The consideration of the case may be adjourned if the Constitutional Court of the Russian Federation finds that the question is insufficiently prepared, or that it requires further examination that cannot be carried out at the same session due to failure to appear of a party, a witness or an expert whose attendance was deemed compulsory, as well as due to failure to produce the required materials. In such event the Constitutional Court of the Russian Federation shall set a date until which the session is adjourned. The hearing of the consideration of which has been adjourned shall begin anew or resume from the point at which it has been adjourned.

Article 62. Pleadings of Parties

In conformity with the procedure established by the decision of the Constitutional Court of the Russian Federation the Presiding Judge shall propose to the parties to give explanations on the merits of the question under consideration and to adduce legal arguments to prove their position. In the event that the position of the party is asserted by several representatives the sequence and duration of statements shall be defined by the party itself.

The parties and their representatives shall not use their statements in the Constitutional Court of the Russian Federation to make political statements and declarations and may not make insulting remarks about the state bodies, social associations, participants in the proceedings, officials and citizens.

The Constitutional Court of the Russian Federation shall hear pleadings in their entirety.

Following the pleadings of a party the Judges of the Constitutional Court of the Russian Federation and the other party, and with the leave granted by the Constitutional Court of the Russian Federation, the experts, may pose questions to that party.

Article 63. Expert Findings

A person possessing specialized knowledge relevant to the case under consideration may be summoned to the session of the Constitutional Court of the Russian Federation as an expert. The questions due to be covered by expert findings shall be determined by the Judge Rapporteur or by the Constitutional Court of the Russian Federation.

Prior to making the statement the expert shall take the oath and shall be warned about the responsibility for false findings.

With the leave granted by the Constitutional Court of the Russian Federation the expert may acquaint himself with the case files, pose questions to the parties and witnesses, as well as submit applications for additional materials to be placed at his disposal.

After stating his findings the expert shall answer additional questions posed to him by the Judges of the Constitutional Court of the Russian Federation.

Article 64. Witness Testimony

When it is necessary to investigate the actual facts, the determination of which is referred to the jurisdiction of the Constitutional Court of the Russian Federation, persons who possess information and materials pertaining to such facts may be summoned as witnesses.

Prior to delivery of his testimony the witness shall take the oath and shall be warned about the responsibility for false testimony.

The witness shall communicate to the Constitutional Court of the Russian Federation the circumstances pertaining to the substance of the case under consideration which are known to him personally and shall answer additional questions posed to him by the Judges of the Constitutional Court of the Russian Federation and by the parties. Where necessary he may make use of written notes, as well as of documents and other materials.

Article 65. Investigation of Documents

Documents may be read at the session of the Constitutional Court of the Russian Federation on the motion of the Judges or on the motion of the parties. The documents with dubious authenticity shall not be read.

The documents investigated by the Constitutional Court of the Russian Federation shall, by the decision of the Constitutional Court of the Russian Federation, be appended to the case files in the original or in certified copies.

Article 66. Concluding Statements of Parties

Concluding statements of the parties shall be heard at the completion of the judicial investigation. The Constitutional Court of the Russian Federation may grant time to the parties to prepare for the concluding statements at their request.

In their concluding statements the parties shall not refer to the documents and circumstances that were not investigated by the Constitutional Court of the Russian Federation.

Article 67. Reopening of Consideration of Question

If, after the concluding statements of the parties, the Constitutional Court of the Russian Federation deems it necessary to investigate additional circumstances substantial for the decision of the case, or to investigate new evidence, it shall decide on the reopening of the consideration of the question.

At the completion of additional investigation the parties shall be entitled to make new concluding statements provided they pertain only to new facts and evidence.

Article 68. Discontinuance of Proceedings

The Constitutional Court of the Russian Federation shall discontinue the proceedings in the case if in the course of the session grounds will be revealed for the refusal to accept the petition for the consideration, or it will be ascertained that the question settled by a law or other enactment, agreements between the organs of State Power or an international treaty of the Russian Federation that has not come into force, the constitutionality of which is to be verified, was not settled in the Constitution of the Russian Federation or by its nature and significance may not be regarded as a constitutional matter.

Article 69. Completion of Hearing

When the Constitutional Court of the Russian Federation deems the investigation of questions concluded, the Presiding Judge shall declare the completion of a hearing.

Article 70. Conference of Judges on the Adoption of the Final Decision

The final decision on the case under consideration shall be passed by the Constitutional Court of the Russian Federation by the conference *in camera*.

Only the Judges of the Constitutional Court of the Russian Federation considering the case shall participate in the conference *in camera*. Members of the staff of the Constitutional Court of the Russian Federation who keep records and ensure the normal course of the conference may be present in the conference room.

During the conference *in camera* the Judge of the Constitutional Court of the Russian Federation may freely express his position on the question under discussion and may ask other Judges to clarify their positions. The number and duration of statements at the conference may not be limited.

The questions put to vote and the results of voting shall be put into the records of the conference. The records of the conference *in camera* shall be signed by all the Judges present and shall not be made public.

The Judges and other persons present at the conference *in camera* shall not divulge the contents of the discussion and the results of voting.

CHAPTER VIII DECISIONS OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Article 71. **Types of Decisions**

Section One - **Repealed**

The final decision of the Constitutional Court of the Russian Federation on the merits of any of the questions listed in Items 1, 2, 3, 3.1, 4 and 5.1 of Section One of Article 3 of the present Federal Constitutional Law shall be known as judgment. Judgment shall be passed in the name of the Russian Federation.

The final decision of the Constitutional Court of the Russian Federation on the merits of the request on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense shall be known as a declaratory judgment.

All other decisions of the Constitutional Court of the Russian Federation passed in the course of the constitutional judicial proceedings shall be known as rulings.

Sessions of the Constitutional Court of the Russian Federation shall also decide on matters pertaining to the organization of its functioning.

Article 72. **Passing of the Decision**

The decision of the Constitutional Court of the Russian Federation shall be passed by an open ballot by roll call of the Judges. In all instances the final vote shall be cast by the Presiding Judge.

The decision of the Constitutional Court of the Russian Federation shall be deemed to have been passed provided that the majority of the Judges who took part in the ballot voted in favor, unless stipulated otherwise by the present Federal Constitutional Law.

If votes are evenly divided during the passing of the judgment on the verification of the constitutionality of an enactment, an agreement between the bodies of State Power, an international treaty of the Russian Federation pending its entry into force, the decisions shall be deemed to have been passed in favor of the constitutionality of the challenged act. A decision pertaining to disputes about competence shall be adopted by a majority vote in all events.

The decision on the interpretation of the Constitution of the Russian Federation shall be adopted by a majority of no less than two thirds of the number of acting Judges.

The Judge of the Constitutional Court of the Russian Federation may not abstain from voting or evade voting.

Article 73. Repealed

Article 74. Requirements for Decisions

Decisions of the Constitutional Court of the Russian Federation shall be based upon materials, investigated by the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation shall pass the decision on the case assessing both the literal meaning of the act under consideration and the meaning attributed to it by an official and other interpretations or the prevailing law-applying practices, as well as proceeding from its place in the system of legal acts.

The Constitutional Court of the Russian Federation shall adopt judgments and pass declaratory judgments solely on the subject stated in the petition and only in relation to that part of the act or the competence of the body, the constitutionality of which is challenged in the petition. While passing the decision the Constitutional Court of the Russian Federation shall not be bound by the grounds and arguments stated in the petition.

The judgments and declaratory judgments of the Constitutional Court of the Russian Federation shall be stated in the form of individual documents which shall indicate the reasoning that determined their passing.

Rulings of the Constitutional Court of the Russian Federation shall be read in the session and shall be entered into the record, unless stipulated otherwise by the present Federal Constitutional Law or by the decision of the Constitutional Court of the Russian Federation.

Article 75. Statement of Decision

The decision of the Constitutional Court of the Russian Federation, stated in an individual document, shall, depending on the nature of the question under consideration, contain the following information:

- 1) the designation of the decision, date and place of its passing;
- 2) names of judges constituting the membership of the Constitutional Court of the Russian Federation that passed the decision;
- 3) required description of the parties;
- 4) wording of the question under consideration, reasons and grounds for its consideration;
- 5) norms of the Constitution of the Russian Federation and the present Federal Constitutional Law due to which the Constitutional Court of the Russian Federation is entitled to consider the question;
- 6) demands, contained in the petition;
- 7) actual facts and other circumstances, determined by the Constitutional Court of the Russian Federation;
- 8) norms of the Constitution of the Russian Federation and the present Federal Constitutional Law on which the Constitutional Court of the Russian Federation relied in passing the decision;
- 9) arguments supporting the decision passed by the Constitutional Court of the Russian Federation and, where necessary, arguments refuting the assertion of the parties;
- 10) wording of the decision;
- 10¹) indication of the necessity of the review of the case in respect of the petitioner, if the final decision is adopted in form of judgment in accordance with Paragraphs 2 and 3 of Section One of Article 100 of the present Federal Constitutional Law;
- 11) statement on the final and binding nature of the decision;
- 12) procedure for the entry into force of the decision, as well as the procedure, dates and specifics of its execution and promulgation.

The final decision of the Constitutional Court of the Russian Federation shall be signed by all the Judges who participated in the voting.

Article 76. Separate Opinion of the Judge

The Judge of the Constitutional Court of the Russian Federation who dissents from the decision of the Constitutional Court of the Russian Federation may state his separate opinion in writing. The separate opinion of the Judge shall be appended to the case files and shall be published along with the decision of the Constitutional Court of the Russian Federation in the "*Vestnik Konstitutsionnogo Suda Rossiyskoy Federatsii*" ("Bulletin of the Constitutional Court of the Russian Federation").

The Judge of the Constitutional Court of the Russian Federation who voted in favor of the judgment or of the declaratory judgment on the merits of the question, considered by the Constitutional Court of the Russian Federation, but found himself in the minority during the voting on another question or on the

motivation of the decision, may state in writing his separate opinion which dissents from the majority of Judges. In such event the Judge's dissent in writing shall also be appended to the case files and shall be published in the "*Vestnik Konstitutsionnogo Suda Rossiyskoy Federatsii*" ("The Bulletin of the Constitutional Court of the Russian Federation").

Article 77. Pronouncement of Decision

The decision of the Constitutional Court of the Russian Federation passed on the outcome of the consideration of a case, with the exception of the judgment adopted under the procedure stipulated by Article 47¹ of the present Federal Constitutional Law, shall be pronounced in its entirety in an open session of the Constitutional Court of the Russian Federation immediately after its signing.

The judgments and declaratory judgments of the Constitutional Court of the Russian Federation in no event later than two weeks after signing shall be transmitted to:

- the Judges of the Constitutional Court of the Russian Federation;
- the parties;
- the President of the Russian Federation, the Federation Council, the State Duma, the Government of the Russian Federation, the Commissioner for Human Rights;
- the Supreme Court of the Russian Federation, the High Court of Arbitration of the Russian Federation, the Prosecutor General of the Russian Federation, the Minister of Justice of the Russian Federation.

The decisions of the Constitutional Court of the Russian Federation may also be transmitted to other state bodies and organizations, social associations, officials and citizens.

Article 78. Promulgation of Decision

The judgments and declaratory judgments of the Constitutional Court of the Russian Federation shall be promulgated with no delay in the official publications of the bodies of State Power of the Russian Federation, of the constituent entities of the Russian Federation which the decision may concern. The decisions of the Constitutional Court of the Russian Federation shall also be published in the "*Vestnik Konstitutsionnogo Suda Rossiyskoy Federatsii*" ("The Bulletin of the Constitutional Court of the Russian Federation") and in other publications if necessary.

Article 79. Legal Force of Decision

The decision of the Constitutional Court of the Russian Federation shall be final and may not be appealed. The decision of the Constitutional Court of the Russian Federation passed on the outcome of the consideration of a case assigned for hearing in the session of the Constitutional Court of the Russian Federation shall come into force immediately upon pronouncement. The judgment of the Constitutional Court

of the Russian Federation adopted under the procedure stipulated by Article 47¹ of the present Federal Constitutional Law shall come into force from the day of its publication in accordance with Article 78 of the present Federal Constitutional Law. Other decisions of the Constitutional Court of the Russian Federation come into force from the day of their adoption.

The decision of the Constitutional Court of the Russian Federation shall be directly applicable and shall require no affirmation by other bodies and officials. The legal force of the judgment of the Constitutional Court of the Russian Federation deeming the act to be unconstitutional may not be overcome by the new adoption of the same act.

The acts or individual provisions thereof found to be unconstitutional shall be null and void; international treaties of the Russian Federation pending their entry into force, found not to be in conformity with the Constitution of the Russian Federation shall not be brought into force and implemented. Decisions of courts and other bodies based on acts or individual provisions thereof found to be unconstitutional by the judgment of the Constitutional Court of the Russian Federation shall not be executed and shall be reviewed in the events stipulated by the federal law.

Should a normative act be found unconstitutional in its entirety or partially by a decision of the Constitutional Court of the Russian Federation, or should a need to eliminate a lacunae in legal regulation proceed from a decision of the Constitutional Court of the Russian Federation, a state body or an official that has adopted that normative act shall consider adopting a new normative act that should, in particular, provide for an abrogation of a normative act found unconstitutional or an introduction of necessary amendments to a normative act found partially unconstitutional. Until a new normative act has been enacted, the Constitution of the Russian Federation shall be applied directly.

The position of the Constitutional Court of the Russian Federation on whether the meaning of a normative legal act or of an individual provision thereof attributed to them by the law-applying practices conforms to the Constitution of the Russian Federation, expressed in the judgment of the Constitutional Court of the Russian Federation, including judgment in a case on verification, upon complaint against violation of constitutional rights and freedoms of citizens, of constitutionality of a law that has been applied in a specific case, or on verification, at request of a court, of constitutionality of a law that ought to be applied in a specific case shall be taken into consideration by the law-applying bodies from the moment of coming into force of the respective judgment of the Constitutional Court of the Russian Federation.

Article 80. Duty of State Bodies and Officials to Bring Laws and Normative Acts into Conformity with the Constitution of the Russian Federation Pursuant to Decision of the Constitutional Court of the Russian Federation

Should a normative act be found unconstitutional in its entirety or partially by a decision of the Constitutional Court of the Russian Federation, or should a need to eliminate a lacunae in legal regulation proceed from a decision of the Constitutional Court of the Russian Federation:

1) The Government of the Russian Federation shall, not later than three months after the promulgation of a decision of the Constitutional Court of the Russian Federation, introduce to the State Duma a draft federal constitutional law, or a draft federal law, or several linked drafts of laws, or a draft law amending a law found partially unconstitutional. The said drafts shall be considered by the State Duma extraordinarily;

2) The President of the Russian Federation, the Government of the Russian Federation shall, not later than two months after the promulgation of a decision of the Constitutional Court of the Russian Federation repeal a normative act of, respectively, the President of the Russian Federation, the Government of the Russian Federation, adopt a new normative act, or introduce amendments to a normative act found partially unconstitutional;

3) A legislative (representative) body of State Power of a constituent entity of the Russian Federation shall, within six months of the promulgation of a decision of the Constitutional Court of the Russian Federation, introduce amendments to the Constitution (Charter) of a constituent entity of the Russian Federation, repeal a law of a constituent entity of the Russian Federation found unconstitutional, adopt a new law of a constituent entity of the Russian Federation, or several linked laws, or amend a law found partially unconstitutional. A supreme official of a constituent entity of the Russian Federation (head of a supreme executive body of State Power of a constituent entity of the Russian Federation) shall, not later than two months after the promulgation of a decision of the Constitutional Court of the Russian Federation, introduce a respective draft law to the legislative (representative) body of State Power of a constituent entity of the Russian Federation. If upon expiration of a six-month period following the promulgation of a decision of the Constitutional Court of the Russian Federation the legislative (representative) body of State Power of a constituent entity of the Russian Federation fails to adopt measures provided under the present paragraph related to a decision of the Constitutional Court of the Russian Federation, rules of responsibility as provided for under the federal legislation shall apply;

4) A supreme official of a constituent entity of the Russian Federation (head of a supreme executive body of State Power of a constituent entity of the Russian Federation) shall, not later than two months after the promulgation of a decision of the Constitutional Court of the Russian Federation, repeal a normative act found unconstitutional and adopt a new normative act or introduce amendments to a normative act found partially unconstitutional. If upon expiration of a two-month period following the promulgation of a decision of the Constitutional Court of the Russian Federation supreme official of a constituent entity of the Russian Federation (head of a supreme executive body of State Power of a constituent entity of the Russian Federation) fails to adopt measures provided under the present paragraph related to a decision of the

Constitutional Court of the Russian Federation, rules of responsibility as provided for under the federal legislation shall apply;

5) Federal bodies of State Power, bodies of State Power of constituent entities of the Russian Federation that have concluded a treaty between federal bodies of State Power and bodies of State Power of constituent entities of the Russian Federation or a treaty between bodies of State Power of constituent entities of the Russian Federation shall not later than two months after the promulgation of a decision of the Constitutional Court of the Russian Federation amend the treaty or abrogate the treaty.

Article 81. Consequences of Non-Execution of Decision

Non-execution, improper execution or prevention of execution of the decision of the Constitutional Court of the Russian Federation shall entail responsibility under the federal law.

Article 82. Rectification of Omissions in Decision

After the pronouncement of the decision, the Constitutional Court of the Russian Federation may rectify omissions in the decision in designations, denominations, clerical errors and apparent editorial and technical errors, and shall pass a ruling on the matter.

Article 83. Explanation of Decision

The decision of the Constitutional Court of the Russian Federation may be officially explained only by the Constitutional Court of the Russian Federation itself upon the application of the bodies and persons entitled to petition the Constitutional Court of the Russian Federation, of other bodies and persons to whom the decision was transmitted.

The question concerning the explanation of the decision of the Constitutional Court of the Russian Federation shall be considered in the session of the Constitutional Court of the Russian Federation under the procedure in which this decision was adopted. If the question concerning the explanation of the decision of the Constitutional Court of the Russian Federation is subject to consideration in the session with holding the hearings, the body or a person applying for the explanation of the decision shall be invited to the session as well as the bodies and persons who were parties to the case.

The explanation of the decision of the Constitutional Court of the Russian Federation shall be the subject of a ruling stated as an individual document and due to be published in the publications where the decision was published

TITLE THREE. THE SPECIAL FEATURES OF PROCEEDINGS IN THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION IN RESPECT OF CERTAIN CATEGORIES OF CASES

**CHAPTER IX CONSIDERATION OF CASES ON CONFORMITY WITH THE CONSTITUTION OF
THE RUSSIAN FEDERATION OF ENACTMENTS OF BODIES OF STATE POWER AND OF
AGREEMENTS BETWEEN THEM**

Article 84. The Right to Petition the Constitutional Court of the Russian Federation

The right to petition the Constitutional Court of the Russian Federation with a request to verify the constitutionality of enactments of the bodies of State Power and of agreements between them shall be vested in the President of the Russian Federation, the Federation Council, the State Duma, one fifth of the number of the members (deputies) of the Federation Council or of the deputies of the State Duma, the Government of the Russian Federation, the Supreme Court of the Russian Federation, the Superior Court of Arbitration of the Russian Federation, bodies of legislative and executive power of constituent entities of the Russian Federation.

Article 85. Admissibility of the Request

The request to the Constitutional Court of the Russian Federation to verify the constitutionality of the enactment of the body of State Power or the agreement between the bodies of State Power or of their individual provisions shall be admissible if the petitioner deems them either unenforceable due to their unconstitutionality or enforceable notwithstanding the official decision of the federal organs of State Power, the supreme state bodies of the constituent entities of the Russian Federation or their officials on the refusal to apply and execute them as not being in conformity with the Constitution of the Russian Federation or contrary to the decision, officially adopted by an inter-State body for the protection of human rights and freedoms, in which violation of human rights and freedoms by the Russian Federation in the course of application of a respective normative act or treaty and the need to make amendments to them eliminating the said violations are ascertained.

A request to verify the constitutionality of the enactment of a constituent entity of the Russian Federation shall be admissible if the enactment was issued on the matter pertaining to the jurisdiction of bodies of State Power of the Russian Federation and to the joint jurisdiction of bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation

Article 86. Scope of Verification

The Constitutional Court of Russian Federation shall establish the conformity with the Constitution of the Russian Federation of enactments of bodies of State Power and of agreements between them as to:

- 1) substance of the norms;

- 2) form of the enactment, the agreement or the treaty;
- 3) procedure for their signing, conclusion, adoption, promulgation, or entry into effect;
- 4) in terms of the separation of State Power into the legislative, executive, and judicial as provided for by the Constitution of the Russian Federation;
- 5) in terms of the delimitation of competence between the federal bodies of State Power as provided for by the Constitution of the Russian Federation;
- 6) in terms of the delimitation of jurisdiction and powers between bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation as provided for by the Constitution of the Russian Federation, the Federation Treaty and other agreements on the delimitation of jurisdiction and powers.

The verification of the constitutionality of the enactments of the organs of State Power and of agreements between them that were adopted prior to coming into force of the Constitution of the Russian Federation shall be done by the Constitutional Court of the Russian Federation only as for the substance of the norms.

Article 87. Final Decision in the Case

Based on the outcome of the consideration of a case on the verification of the constitutionality of an enactment of the body of State Power or an agreement between the bodies of State Power the Constitutional Court of the Russian Federation shall pass one of the following judgments:

- 1) on acknowledgement of the conformity of the enactment or the agreement, or individual provisions thereof with the Constitution of the Russian Federation;
- 2) on acknowledgement of the non-conformity of the enactment or the agreement, or individual provisions thereof with the Constitution of the Russian Federation.

The acknowledgement of non-conformity of a law, a normative act enacted by the President of the Russian Federation, or a normative act enacted by the Government of the Russian Federation, or a treaty or individual provisions thereof with the Constitution of the Russian Federation shall make grounds for the abrogation in accordance with the prescribed procedure of the provisions of other normative acts or treaties, based upon the normative act or the treaty that were acknowledged as unconstitutional, or reproducing it, or containing the same provisions that were acknowledged as unconstitutional.

The acknowledgement of non-conformity of a normative act enacted by a constituent entity of the Russian Federation or individual provisions thereof with the Constitution of the Russian Federation shall make grounds for the abrogation in accordance with the prescribed procedure of the provisions of normative acts or treaties enacted or concluded by other a constituent entities of the Russian Federation that contain provisions identical to those acknowledged as unconstitutional.

The provisions of normative acts or treaties listed in Sections Two and Three above may not be applied by the courts, other bodies and officials.

In the event of, within six months of the promulgation of a decision of the Constitutional Court of the Russian Federation, a normative act analogous to the one found unconstitutional not being repealed or altered, or a treaty analogous to the one found unconstitutional not being abrogated in its entirety or in part, a state body or an official, duly authorized by a federal law, shall lodge a protest or apply to a court with a request to recognize that normative act or treaty as ineffective.

CHAPTER X CONSIDERATION OF CASES ON CONFORMITY WITH THE CONSTITUTION OF THE RUSSIAN FEDERATION OF INTERNATIONAL TREATIES OF THE RUSSIAN FEDERATION PENDING THEIR ENTRY INTO FORCE

Article 88. The Right to Petition the Constitutional Court of the Russian Federation

The right to petition the Constitutional Court of the Russian Federation with an request to verify the constitutionality of the international treaty of the Russian Federation pending its entry into force shall be vested in the President of the Russian Federation, the Federation Council, the State Duma, one fifth of the number of the members (deputies) of the Federation Council or of the deputies of the State Duma, the Government of the Russian Federation, the Supreme Court of the Russian Federation, the High Court of Arbitration of the Russian Federation, bodies of legislative and executive power of the constituent entities of the Russian Federation.

Article 89. Admissibility of the Request

The request to verify the constitutionality of the international treaty of the Russian Federation pending its entry into force shall be admissible if:

1) in accordance with the Constitution of the Russian Federation and the federal law the international treaty of the Russian Federation referred to in the request is subject to ratification by the State Duma or to approval by another federal body of State Power;

2) the petitioner deems the international treaty of the Russian Federation pending its entry into force as not subject to be brought into effect and to be applied in the Russian Federation due to its non-conformity with the Constitution of the Russian Federation.

Article 90. Scope of Verification

The scope of verification by the Constitutional Court of the Russian Federation of the conformity with the Constitution of the Russian Federation of the international treaty of the Russian Federation pending its entry into force shall be prescribed by Article 86 of the present Federal Constitutional Law.

Article 91. Final Decision in the Case

Based on the outcome of the consideration of a case on the verification of the constitutionality of the international treaty of the Russian Federation pending its entry into force the Constitutional Court of the Russian Federation shall pass one of the following judgments:

1) on acknowledgement of the conformity of the international treaty of the Russian Federation pending its entry into force, or individual provisions thereof with the Constitution of the Russian Federation;

2) on acknowledgement of the non-conformity of the international treaty of the Russian Federation pending its entry into force, or individual provisions thereof with the Constitution of the Russian Federation.

As of the time of the pronouncement of the judgment of the Constitutional Court of the Russian Federation on the acknowledgement of the non-conformity to the Constitution of the Russian Federation of the international treaty of the Russian Federation pending its entry into force, or individual provisions thereof, the international treaty shall not be brought into effect or applied, that is, it may not be ratified, approved and may not enter into force for the Russian Federation in any other mode.

CHAPTER XI CONSIDERATION OF CASES ON DISPUTES CONCERNING COMPETENCE

Article 92. Right to Petition the Constitutional Court of the Russian Federation

The right to petition the Constitutional Court of the Russian Federation with an application to settle a dispute concerning competence shall be vested in any body of State Power party to the dispute, listed in Article 125 (Part 3) of the Constitution of the Russian Federation, whereas in the President of the Russian Federation it shall also be vested in the event envisaged by Article 85 (Part 1) of the Constitutional of the Russian Federation.

Article 93. Admissibility of Application

The application of the body (bodies) of State Power shall be admissible if:

1) the competence in dispute is defined by the Constitution of the Russian Federation;

2) the dispute does not concern the question of the proper jurisdiction of courts over a case or the justiciability;

3) the dispute has not been settled or cannot be settled by other means;

4) the petitioner considers the issuance of an act or the performance of an action of legal nature or the evasion from the issuance of an act or the performance of the aforementioned action to be a violation of the delimitation of competence between the bodies of State Power provided for by the Constitution of the Russian Federation;

5) the petitioner has previously applied in writing to the bodies of State Power listed in Article 125 (Part 3) of the Constitution of the Russian Federation alleging either their violation of the competence of the petitioner as defined by the Constitution of the Russian Federation and agreements or the evasion by these bodies from a responsibility within their competence;

6) the violations listed in the application in writing, as specified in Paragraph 5 of the present Article, have not been removed within a month of the receipt of the application;

7) in the event of an appropriate body of State Power requesting the President of the Russian Federation to apply conciliation procedures provided for in Article 85 of the Constitution of the Russian Federation, the President of the Russian Federation within a month of the request has not applied the conciliation procedures or those procedures did not result in the settlement of the dispute.

The application of the President of the Russian Federation submitted as provided for by Article 85 (Part 1) of the Constitution of the Russian Federation shall be admissible, if:

1) the President of the Russian Federation has applied the conciliation procedures to settle the discord between the bodies of State Power;

2) the discord between the bodies of State Power constitutes a dispute concerning competence that falls within the proper jurisdiction of the Constitutional Court of the Russian Federation.

Article 94. Scope of Verification

The Constitutional Court of the Russian Federation shall consider the disputes concerning competence exclusively from the perspective of the separation of State Power into the legislative, executive, and judicial and the delimitation of competence between bodies of State Power as provided for by the Constitution of the Russian Federation, as well as from the perspective of the delimitation of jurisdiction and powers between bodies of State Power of the Russian Federation and bodies of State Power of constituent entities of the Russian Federation, between the supreme bodies of State Power of the constituent entities of the Russian Federation, as provided for by the Constitution of the Russian Federation, the Federation Treaty and other agreements on the delimitation of jurisdiction and powers.

The consideration of the case on the conformity of the enactment, being subject of the dispute concerning competence, with the Constitution of the Russian Federation as to the substance of the norm, its form, the procedure for its signing, conclusion, adoption, promulgation, or entry into effect shall be possible only on the basis of an individual request and in accordance with the procedure for the consideration of cases on the constitutionality of the enactments.

Article 95. Final Decision in the Case

Based on the outcome of the consideration of the dispute concerning competence the Constitutional Court of the Russian Federation shall pass one of the following judgments:

1) confirming the authority of the respective body of State Power to issue the act or to perform the action of the legal nature that caused the dispute concerning competence;

2) denying the authority of the respective body of State Power to issue the act or to perform the action of the legal nature that caused the dispute concerning competence.

If the Constitutional Court of the Russian Federation acknowledges the issuance of the act as not being within the competence of the issuing body, the act shall be null and void as of the date stipulated in the judgment.

CHAPTER XII CONSIDERATION OF CASES ON CONSTITUTIONALITY OF LAWS AT COMPLAINTS ABOUT VIOLATION OF THE CONSTITUTIONAL RIGHTS AND FREEDOMS OF CITIZENS

Article 96. Right to Petition the Constitutional Court of the Russian Federation

The right to petition the Constitutional Court with the individual or collective complaint about violation of the constitutional rights and freedoms shall be vested in the citizens, whose rights and freedoms have been violated by the law that has been applied in a specific case, and in the associations of citizens, as well as in other bodies and persons, envisaged in the federal law.

Enclosed with the complaint, additional to the documents listed in Article 38 of the present Federal Constitutional Law, shall be the copy of the official document confirming the application of the appealed law in the decision of the specific case. The official or the body that considered the case shall issue the copy of the aforementioned document to the petitioner at his request.

Article 97. Admissibility of the Complaint

The complaint on the violation by the law of the constitutional rights and freedoms shall be admissible if:

1) the law infringes on the constitutional rights and freedoms of citizens;

2) the law was applied in a concrete case whose consideration has been completed in court, and the complaint must be lodged in no event later than one year after consideration of the case in court.

Article 98. Consequences of Admission of Complaint for Consideration

The Constitutional Court of the Russian Federation, having admitted for consideration the complaint about violation of constitutional rights and freedoms of citizens, shall notify about that the court that adopted the latest judgment on the case of the petitioner in which the appealed law has been applied and, upon the demand of the petitioner, - the body exercising the execution of this court judgment according to the federal law, and the court considering a case for which this court judgment may be of relevance. A respective court

may adjourn the execution of the court judgment or proceedings in the case pending the passing of the judgment by the Constitutional Court of the Russian Federation.

Article 99. **Scope of Verification**

The scope of verification by the Constitutional Court of the Russian Federation of the conformity with the Constitution of the Russian Federation of the law, indicated in the complaint about violation of the constitutional rights and freedoms of citizens shall be established by Article 86 of the present Federal Constitutional Law.

Article 100. **Final Decision on Case**

Following the consideration of the complaint about violation by the law of the constitutional rights and freedoms of citizens the Constitutional Court of the Russian Federation shall pass one of the following judgments:

1) on acknowledgement of the conformity of the law, or individual provisions thereof with the Constitution of the Russian Federation;

2) on acknowledgement of the non-conformity of the law, or individual provisions thereof with the Constitution of the Russian Federation.

3) on acknowledgement of the provisions of a normative legal act challenged by the petitioner as analogous to the norms previously recognized as non-conforming with the Constitution of the Russian Federation by the judgment of the Constitutional Court of the Russian Federation retaining its force and therefore also not conforming to the Constitution of the Russian Federation or on ascertaining the fact that the provision that has been applied in a specific case has previously been acknowledged as unconstitutional by the judgment of the Constitutional Court of the Russian Federation, retaining its force.

If the Constitutional Court of the Russian Federation passed a judgment stipulated by Paragraph 2 or Paragraph 3 of Section One of the present Article, the case shall in any event be subject to review by the competent body in accordance with the regular procedure.

If a federal law or a law of a constituent entity of the Russian Federation, or individual provisions thereof have been acknowledged as not being in conformity with the Constitution of the Russian Federation, the costs borne by citizens and their associations who have petitioned the Constitutional Court of the Russian Federation in accordance with Article 96 of the present Federal Constitutional Law shall be reimbursed from the federal budget or a budget of a respective constituent entity of the Russian Federation in accordance with the procedure and in the amount prescribed by the Government of the Russian Federation:

1) charged state fee;

2) fees paid for the services of representatives;

3) travel and lodging expenses of petitioners and their representatives related to their appearance in court;

4) postal expenses related to consideration of a case.

5) compensation in lieu of actual time lost.

CHAPTER XIII CONSIDERATION OF CASES ON CONSTITUTIONALITY OF LAWS AT REQUESTS OF COURTS

Article 101. Petition to the Constitutional Court of the Russian Federation

The court while considering the case in any instance, having arrived at the conclusion about non-conformity with the Constitution of the Russian Federation of the law that ought to be applied by it in a specific case, shall petition the Constitutional Court of the Russian Federation with a request to verify the constitutionality of the aforementioned law.

Court when reconsidering in the events established by the procedural legislation a case in connection with adoption of a decision by an inter-State body for the protection of human rights and freedoms, in which violation of human rights and freedoms in the course of application of a law or its individual provisions by the Russian Federation is ascertained, having come to the conclusion that the question of the possibility of application of the respective law may be resolved only after confirmation of its conformity to the Constitution of the Russian Federation, shall petition the Constitutional Court of the Russian Federation on review of constitutionality of this law.

Article 102. Admissibility of the Request

The request of the court shall be admissible if the law, in the opinion of the court, ought to be applied in the specific case that it is considering.

Article 103. Consequences of Submission of the Request

As of the time of the decision of the court to petition the Constitutional Court of the Russian Federation and pending the judgment of the Constitutional Court of the Russian Federation the proceedings in the case or the execution of the decision passed by the court shall be adjourned.

Article 104. Scope of Verification and Types of Final Decisions

The limits of verification by the Constitutional Court of the Russian Federation of the conformity with the Constitution of the Russian Federation of the law challenged in the request of the court, and types of final decisions on the case shall be prescribed by Articles 86 and 100 of the present Federal Constitutional Law.

CHAPTER XIV CONSIDERATION OF CASES ON INTERPRETATION OF THE CONSTITUTION OF THE RUSSIAN FEDERATION

Article 105. Right to Petition the Constitutional Court of the Russian Federation

The right to petition the Constitutional Court of the Russian Federation with a request to give the interpretation of the Constitution of the Russian Federation shall be vested in the President of the Russian Federation, the Federation Council, the State Duma, the Government of the Russian Federation, bodies of legislative power of the constituent entities of the Russian Federation.

Article 106. Binding Force of Interpretation of the Constitution of the Russian Federation

The interpretation of the Constitution of the Russian Federation adopted by the Constitutional Court of the Russian Federation shall be official and binding for all representative, executive, and judicial organs of State Power, organs of local government, enterprises, agencies, organizations, officials, citizens and their associations.

CHAPTER XV CONSIDERATION OF CASES ON DELIVERY OF DECLARATORY JUDGMENT ON OBSERVANCE OF PRESCRIBED PROCEDURE FOR CHARGING THE PRESIDENT OF THE RUSSIAN FEDERATION WITH HIGH TREASON OR WITH COMMISSION OF OTHER GRAVE OFFENSE

Article 107. Petition to the Constitutional Court of the Russian Federation

The petition with the request for a declaratory judgment on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense shall be transmitted to the Constitutional Court of the Russian Federation by the Federation Council.

Article 108. Admissibility of the Request

The request to the Constitutional Court of the Russian Federation for a declaratory judgment on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense shall be admissible provided the charge is brought by the State Duma and there is the finding of the Supreme Court of the Russian Federation on the presence in the actions of the President of the Russian Federation of the elements of the respective offense.

Article 109. Procedure for Transmitting Request and for the Delivery of Declaratory Judgment

The request for declaratory judgment on the observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense shall be transmitted to the Constitutional Court of the Russian Federation in no event later than one month after the adoption by the State Duma of the decision to bring the charge. Enclosed with the inquiry shall be the text of the decision of the State Duma to bring the charge, the records or verbatim records of the discussion of the question at the session of the State Duma and texts of all documents pertaining to the discussion, as well as the text of the finding of the Supreme Court of the Russian Federation.

The declaratory judgment shall be delivered by the Constitutional Court of the Russian Federation in no event later than ten days after the registration of the inquiry.

Article 110. Declaratory Judgment on Observance of Prescribed Procedure for Charging the President of the Russian Federation With High Treason or with Commission of Other Grave Offense

Following the consideration of a case the Constitutional Court of the Russian Federation shall deliver one of the following declaratory judgments:

- 1) that the prescribed procedure for charging has been observed;
- 2) that the prescribed procedure for charging has not been observed.

If the Constitutional Court of the Russian Federation passes the decision on the non-observance of a prescribed procedure for charging the President of the Russian Federation with high treason or with commission of other grave offense, the consideration of the charge, as provided for by the Constitution of the Russian Federation, shall be dismissed.

TITLE IV. FINAL PROVISIONS

Article 111. Staff of the Constitutional Court of the Russian Federation

Performing of functions of the Constitutional Court of the Russian Federation shall be ensured by the staff comprising the Secretariat of the Constitutional Court of the Russian Federation and other subdivisions.

The Secretariat of the Constitutional Court of the Russian Federation shall provide organizational, research and analytical, informational and referential, and other support of the functioning of the Constitutional Court of the Russian Federation, receive visitors; shall consider the petitions to the Constitutional Court of the Russian Federation as a preliminary measure and in the events when the petitions do not pertain to the questions that require the examination by the Judges of the Constitutional Court; shall assist the Judges in preparation of cases and of other questions for the consideration at sessions and conferences; study and evaluate the activity of state bodies providing for the execution of the decisions of the

Constitutional Court of the Russian Federation. Other subdivisions of the staff shall provide material and technical support, and welfare services for the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation within the limits of its estimate of expenditures shall determine the structure of the Staff and approve the Regulations Respecting the Secretariat of the Constitutional Court of the Russian Federation.

The rights, duties, responsibility of the members of the staff of the Constitutional Court of the Russian Federation, as well as the terms of their service shall be defined by the laws and other enactments on the federal public service, by the enactments on the legal status of the court staff members, as well as by labor legislation of the Russian Federation.

Article 112. Official Publication of the Constitutional Court of the Russian Federation

The "*Vestnik Konstitutsionnogo Suda Rossiyskoy Federatsii*" / "Bulletin of the Constitutional Court of the Russian Federation" / shall be the official publication of the Constitutional Court of the Russian Federation.

Article 113. Seal of the Constitutional Court of the Russian Federation

The Constitutional Court of the Russian Federation shall have the seal with the impression of the State Emblem of the Russian Federation and its designation.

Article 114. Symbols of Judicial Power of the Constitutional Court of the Russian Federation

The State Flag of the Russian Federation shall be raised over the premises of the Constitutional Court of the Russian Federation.

The depiction of the State Emblem of the Russian Federation and the State Flag of the Russian Federation shall be displayed in the courtroom of the Constitutional Court of the Russian Federation.

The State Flag of the Russian Federation shall be placed in the office of the Judge of the Constitutional Court of the Russian Federation.

The Judges of the Constitutional Court of the Russian Federation shall sit in gowns.

Article 115. Seat of the Constitutional Court of the Russian Federation

The permanent seat of the Constitutional Court of the Russian Federation shall be in the City of Saint-Petersburg.

Sessions of the Constitutional Court of the Russian Federation shall be held at its permanent seat. The Constitutional Court of the Russian Federation may hold sessions elsewhere whenever the Court deems it necessary.

To ensure access of citizens and their associations to constitutional justice, permanent liaison of the Constitutional Court of the Russian Federation with other bodies of state power of the Russian Federation, constituent entities of the Russian Federation in the City of Moscow, assistance in exercising of its powers by the Constitutional Court of the Russian Federation the Representative Mission of the Constitutional Court of the Russian Federation in the City of Moscow shall be set up.

TITLE FIVE. TRANSITIONAL PROVISIONS

1. Petitions transmitted to the Constitutional Court of the Russian Federation prior to the entry into force of the Constitution of the Russian Federation shall be considered and decided upon by the Constitutional Court of the Russian Federation acting within its powers, established by Article 125 of the Constitution of the Russian Federation.

2. The full membership of the Constitutional Court of the Russian Federation shall be formed in no event later than thirty days after the entry into force of the present Federal Constitutional Law.

3. With the full membership of the Constitutional Court of the Russian Federation formed, it shall elect the President, Vice-President, Judge-Secretary, form the membership of the chambers of the Constitutional Court of the Russian Federation.

4. Provisions of Section One of Article 12 of the present Federal Constitutional Law shall apply to all office-holding Judges of the Constitutional Court of the Russian Federation.

5. The material guarantees of the independence of the Constitutional Court of the Russian Federation, of its Judges prescribed before the entry into force of the present Federal Constitutional Law shall remain effective.