

**FEDERAL CONSTITUTIONAL LAW**  
**NO. 1-FKZ OF JULY 21, 1994**  
**ON THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION**  
**(with the Amendments and Addenda of February 8, February 15, 2001)**

*See also [Federal Constitutional Law No. 1-FKZ of December 31, 1996, on the Judicial System of the Russian Federation](#)*

**Passed by the State Duma**

**on June 24, 1994**

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<u>Section One. Organization of the Constitutional Court</u>	
<u>of the Russian Federation and the Status of Judges</u>	
<u>Chapter I. General Provisions</u>	<u>(Arts. 1-7)</u>
<u>Chapter II. Status of a Judge of</u>	<u>(Arts. 8-19)</u>
<u>the Constitutional Court</u>	
<u>of the Russian Federation</u>	
<u>Chapter III. Structure and Organization of</u>	<u>(Arts. 20-28)</u>
<u>Activity of the Constitutional</u>	
<u>Court of the Russian Federation</u>	
<u>Section Two. General Rules for the Procedure in the</u>	
<u>Constitutional Court of the Russian Federation</u>	
<u>Chapter IV. Principles of the Constitutional</u>	<u>(Arts. 29-35)</u>
<u>Proceedings</u>	
<u>Chapter V. Application to the Constitutional</u>	<u>(Arts. 36-39)</u>
<u>Court of the Russian Federation</u>	
<u>Chapter VI. Preliminary Consideration of</u>	<u>(Arts. 40-44)</u>
<u>Applications</u>	
<u>Chapter VII. General Procedural Rules for</u>	<u>(Arts. 45-70)</u>
<u>Consideration of Cases</u>	
<u>by the Constitutional Court</u>	
<u>of the Russian Federation</u>	
<u>Chapter VIII. Decisions of the Constitutional</u>	<u>(Arts. 71-83)</u>
<u>Court of the Russian Federation</u>	
<u>Section Three. Specifics of the Procedure in the</u>	
<u>Constitutional Court of the Russian</u>	
<u>Federation on Individual Categories</u>	
<u>of Cases</u>	
<u>Chapter IX. Consideration of Cases on the</u>	<u>(Arts. 84-87)</u>
<u>Correspondence to the Constitution</u>	
<u>of the Russian Federation of</u>	
<u>Normative Acts of the State Power</u>	
<u>Bodies and of the Agreements</u>	
<u>Concluded Between Them</u>	
<u>Chapter X. Consideration of Cases on the</u>	<u>(Arts. 88-91)</u>
<u>Correspondence to the Constitution</u>	
<u>of the Russian Federation of</u>	
<u>International Treaties of the</u>	
<u>Russian Federation Which Have Not</u>	
<u>Come into Force</u>	
<u>Chapter XI. Consideration of Cases on</u>	<u>(Arts. 92-95)</u>
<u>Disputes about Competence</u>	
<u>Chapter XII. Consideration of Cases on the</u>	<u>(Arts. 96-100)</u>

<u>Constitutionality of Laws after</u> <u>Complaints Against Violation of</u> <u>the Constitutional Laws and of</u> <u>Citizens' Rights and Freedoms</u>	
Chapter XIII. Consideration of Cases on the	(Arts. 101-104)
<u>Constitutionality of Laws following</u> <u>Inquiries from Courts</u>	
Chapter XIV. Consideration of Cases on the	(Arts. 105-110)
<u>Interpretation of the Constitution</u> <u>of the Russian Federation</u>	
Chapter XV. Consideration of Cases on Drawing	(Arts. 107-110)
<u>Conclusions on the Observation</u> <u>of the Established Order for</u> <u>Bringing Against the President</u> <u>of the Russian Federation an</u> <u>Accusation of High Treason or of</u> <u>Committing Another Grave Crime</u>	
Section Four. Final Provisions	(Arts. 111-115)
Section Five. Transitional Provisions	
Section Six. Coming into Force of the Present	
<u>Federal Constitutional Law</u>	

## **Section One. Organization of the Constitutional Court of the Russian Federation and the Status of Judges**

### **Chapter I. General Provisions**

#### **Article 1.** Constitutional Court of the Russian Federation - the Judicial Body of Constitutional Control

The Constitutional Court of the Russian Federation shall be seen as the judicial body of constitutional control, exercising judicial power independently by means of constitutional proceedings.

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

The powers and procedure for the formation and activity of the Constitutional Court of the Russian Federation shall be defined by the Constitution of the Russian Federation and by the present Federal Law.

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

To protect the foundations of the constitutional system and the basic rights and freedoms of man and citizen, and to provide for the supremacy and direct operation of the Constitution of the Russian Federation across the entire territory of the Russian Federation, the Constitutional Court of the Russian Federation shall:

- 1) resolve cases on the correspondence to the Constitution of the Russian Federation:
  - a) of Federal Laws and the normative acts of the President of the Russian Federation, of the Federation Council, of the State Duma and of the Government of the Russian Federation;
  - b) of the Constitutions of the Republics, of the Charters, and of the laws and other normative acts of the subjects of the Russian Federation, issued on matters placed within the jurisdiction of the state power bodies of the Russian Federation and within the joint jurisdiction of the state power bodies of the Russian Federation and of the state power bodies of the subjects of the Russian Federation;
  - c) of the agreements concluded between the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation, and of the agreements signed between the state power bodies of the subjects of the Russian Federation;

d) of the international treaties of the Russian Federation which have not come into force;

2) resolve disputes on competence:

a) between the federal state power bodies;

b) between the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation;

c) between the higher state bodies of the subjects of the Russian Federation;

3) at complaints against the violation of citizens' constitutional rights and freedoms, and at inquiries from the courts, ascertain the constitutionality of the law, applied or subject to application in the given case;

4) provide an interpretation of the [Constitution](#) of the Russian Federation;

5) draw conclusions on the observation of the established procedure for bringing an accusation of high treason or of committing another grave crime against the President of the Russian Federation;

6) produce legislative initiatives on the issues placed within its jurisdiction;

7) exercise the other powers granted to it by the Constitution of the Russian Federation, by the [Federative Treaty](#) and by Federal Constitutional Laws; also make use of the rights granted to it by the agreements, concluded in conformity with [Article 11](#) of the Constitution of the Russian Federation, on the demarcation of the jurisdiction and powers between the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation, unless these rights contradict its legal nature and intention as the judicial body of constitutional control.

*[Federal Constitutional Law No. 4-FKZ of December 15, 2001 supplemented Article 3 of this Federal Constitutional Law with the new part two. Parts two - four shall be considered as parts three - five correspondingly](#)*

*[The amendments shall enter into force on the expiration of ten days as of the date of the official publication of the said Law](#)*

The jurisdiction of the Constitutional Court of the Russian Federation, established by this Article, may be changed only by way introducing amendments to this Federal Constitutional Law.

The Constitutional Court of the Russian Federation shall resolve exclusively issues of law.

While conducting constitutional proceedings, the Constitutional Court of the Russian Federation shall abstain from the establishment and investigation of the actual circumstances in all cases when this is referred to the competence of other courts or other bodies.

On questions of its internal activity, the Constitutional Court of the Russian Federation shall adopt the Regulations of the Constitutional Court of the Russian Federation.

#### **Article 4. Composition, Order of Formation and Term of Powers of the Constitutional Court of the Russian Federation**

The Constitutional Court of the Russian Federation shall consist of nineteen judges, appointed to the post by the Federation Council at the suggestion of the President of the Russian Federation.

The Constitutional Court of the Russian Federation shall have the right to perform its activity, if it has in its composition not less than three-quarters of the total number of judges.

The powers of the Constitutional Court of the Russian Federation shall not be limited by a definite time term.

#### **Article 5. Basic Principles of Activity of the Constitutional Court of the Russian Federation**

The basic principles of activity of the Constitutional Court of the Russian Federation shall be independence, collective nature, openness, competitiveness and the parties' equality.

#### **Article 6. Obligatory Nature of Decisions Taken by the Constitutional Court of the Russian Federation**

The decisions of the Constitutional Court of the Russian Federation shall be obligatory across the entire territory of the Russian Federation for all the representative, executive and judicial bodies

of the state power, for local self-government bodies, for the enterprises, institutions and organizations, for official persons, for citizens and their associations.

**Article 7.** Guarantees for the Activity of the Constitutional Court of the Russian Federation

The Constitutional Court of the Russian Federation shall be independent in organizational, financial, material and technical terms from all other bodies. The financing of the Constitutional Court of the Russian Federation shall be effected from the federal budget and shall guarantee the possibility of its independently conducting constitutional proceedings in full. The federal budget shall annually envisage in a separate item the funds necessary to provide for the activity of the Constitutional Court of the Russian Federation, which the Constitutional Court of the Russian Federation shall dispose of at its own discretion. The estimated outlays of the Constitutional Court of the Russian Federation cannot be reduced as compared with the previous fiscal year.

The Constitutional Court of the Russian Federation shall independently and on its own provide for its activity as concerns the supply of information and personnel.

The property necessary for the Constitutional Court of the Russian Federation to carry out its activity and placed into its operative management, shall be seen as federal property. The Constitutional Court of the Russian Federation may grant the right to operative management of said property to structural subdivisions included into the composition of its apparatus.

Any restriction whatsoever of the legal, organizational, financial, informational, material and technical, personnel or other operational conditions of the Constitutional Court of the Russian Federation, established by the present Federal Constitutional Law, shall be inadmissible.

**Chapter II. Status of a Judge of the Constitutional Court of the Russian Federation**

**Article 8.** Demands Made on a Candidate to the Post of Judge of the Constitutional Court of the Russian Federation

To be appointed as the Judge of the Constitutional Court of the Russian Federation a person must be a citizen of the Russian Federation who has reached by the day of appointment the age of not less than forty years, with a stainless reputation a higher legal education and a work record in the legal profession of at least fifteen years, possessing high standard qualifications in the sphere of law.

*The [Instructions on the Procedure for Determining the Work Record in the Legal Profession for Candidates to Posts of Judges of the Federal Courts](#) were approved by the Ministry of Justice of the Russian Federation, by the Supreme Court of the Russian Federation and by the Higher Arbitration Court of the Russian Federation on December 27, 1996, under No. 10 (35)-5*

**Article 9.** Procedure for Appointment to the Post of Judge of the Constitutional Court of the Russian Federation

Proposals on the candidates to the posts of judges of the Constitutional Court of the Russian Federation may be submitted to the President of the Russian Federation by the members (Deputies) of the Federation Council and by the State Duma Deputies, as well as by the legislative (representative) bodies of the subjects of the Russian Federation, by higher judicial bodies and federal judicial departments, by all-Russia legal communities and by the legal scientific and educational establishments.

The Federation Council shall consider the appointment to the post of a judge of the Constitutional Court of the Russian Federation within a term of not more than fourteen days from the moment of receiving the proposal from the President of the Russian Federation.

Every judge of the Constitutional Court of the Russian Federation shall be appointed to the post individually by secret ballot. A person who has received in the voting a majority of votes from the total number of the members (Deputies) of the Federation Council shall be seen as appointed to the post of judge of the Constitutional Court of the Russian Federation.

If a judge leaves the composition of the Constitutional Court of the Russian Federation, the

President of the Russian Federation shall make a presentation on the appointment of another person to the vacant post of judge not later than a month from the day when the vacancy appeared.

A judge of the Constitutional Court of the Russian Federation, the term of whose powers has expired, shall continue to perform the judge's duties until a new judge is appointed or until the concluding decision is passed on any case started with his participation.

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

The Chairman of the Federation Council shall put under oath the person appointed to the post of judge of the Constitutional Court of the Russian Federation in accordance with the procedure laid down by the Federation Council.

The judge of the Constitutional Court of the Russian Federation shall take an oath of the following content: "I hereby swear to honestly and conscientiously discharge the duties of a judge of the Constitutional Court of the Russian Federation obeying only the Constitution of the Russian Federation, and nothing and no one else."

**Article 11.** Occupations and Actions Incompatible with the Post of Judge of the Constitutional Court of the Russian Federation

A judge of the Constitutional Court of the Russian Federation cannot be a member (a Deputy) of the Federation Council, a Deputy of the State Duma or of other representative bodies, occupy or retain other state or public posts, to have a private practice, to engage in business or in other paid activity, except for pedagogical, scientific and other kinds of creative activity, the performance of which shall not interfere with discharge of the duties of a judge of the Constitutional Court of the Russian Federation and cannot serve as a valid reason for absence from a sitting, unless consent to this is given by the Constitutional Court of the Russian Federation.

A judge of the Constitutional Court of the Russian Federation shall have no right to conduct the defence or representation, except for lawful representation, in court, in an arbitration court or in other bodies, or to render to anybody whatsoever protection in the receipt of rights and in the relief from duties.

A judge of the Constitutional Court of the Russian Federation cannot be affiliated with any political parties and movements, render them material support, take part in political actions, conduct political propaganda or agitation, participate in election campaigns to state power bodies and local self-government bodies, attend the congresses and conferences of political parties and movements, or engage in any other kind of political activity. Neither can he be one of the leading workers in any public associations, even if the latter do not pursue any political goals.

A judge of the Constitutional Court of the Russian Federation shall have no right, while making a statement to the press and to other mass media and before any audience, to publicly voice his opinion on an issue which may become the object of consideration in the Constitutional Court of the Russian Federation, as well as on an issue which is being studied or has been accepted for consideration by the Constitutional Court of the Russian Federation, until the decision on this issue is taken.

No one thing in the present Article may be considered as a restriction of the right of the judge of the Constitutional Court of the Russian Federation to freely express his will as a citizen and as an elector by casting his vote in an election and in a referendum.

[Federal Constitutional Law No. 4-FKZ of December 15, 2001 amended Article 12 of this Federal Constitutional Law as of January 1, 2005](#)

[See the new wording of the Article](#)

[Federal Constitutional Law No. 1-FKZ of February 8, 2001 has introduced certain amendments into Article 12 of the present Federal Constitutional Law](#)

**Article 12.** Term of Powers of a Judge of the Constitutional Court of the Russian Federation

A judge of the Constitutional Court of the Russian Federation shall be appointed to the post for a term of fifteen years.

The appointment to the post of judge of the Constitutional Court of the Russian Federation for a second term shall be inadmissible.

A judge of the Constitutional Court of the Russian Federation shall be seen as having occupied the post as from the moment of taking the oath. His powers shall be terminated on the last day of the month in which the term of his powers expires.

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

The independence of a judge of the Constitutional Court of the Russian Federation shall be provided for by his irremovability and personal immunity, by the equality of a judges' rights, by the procedure for the suspension and the termination of the judge's powers established by the present Federal Constitutional Law, by his right to retirement, by the obligatory nature of the established procedure for constitutional proceedings, by the prohibition on any kind of interference with the judicial activity, and by granting to the judge material and social provisions, as well as the guarantees of security corresponding to his high status.

The material guarantees of the independence of a judge of the Constitutional Court of the Russian Federation connected with the remuneration of his labour, granting annual leave and the social insurance, providing him with housing and with the social-everyday services, with obligatory state insurance of the judge's life and health, as well as of the property belonging to himself and to his family members, shall be established in correlation with the corresponding guarantees envisaged by the legislation of the Russian Federation for judges of the other higher federal courts. In the cases when other legal acts envisage other norms for the judges of the Constitutional Court of the Russian Federation, raising the level of their legal protection and of their material and social protection, the provisions of these acts shall be applied.

*For the Measures for Ensuring Material Guarantees for the Independence of Judges of the Constitutional Court of the Russian Federation, see:*

[Federal Law No. 6-FZ of January 10, 1996;](#)

[Decree of the President of the Russian Federation No. 306 of February 7, 2000;](#)

[Decree of the President of the Russian Federation No. 941 of September 14, 1995](#)

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

A judge of the Constitutional Court of the Russian Federation shall be irremovable.

The powers of a judge of the Constitutional Court of the Russian Federation may be terminated or suspended only in accordance with the order and on the grounds established by the present Federal Constitutional Law.

[Federal Constitutional Law No. 4-FKZ of December 15, 2001 reworded Article 15 of this Federal Constitutional Law](#)

*The amendments [shall enter into force](#) on the expiration of ten days as of the date of the official publication of the said Law*

[See the previous wording of the Article](#)

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

A judge of the Constitutional Court of the Russian Federation enjoys immunity. The guarantees of the immunity of a judge of the Constitutional Court of the Russian Federation shall be established by this Federal Constitutional Law and the federal law on the status of judges.

A judge of the Constitutional Court of the Russian Federation may not be brought to liability, and also on the expiry of his term of office, for an opinion expressed by him, when considering a case by the Constitutional Court of the Russian Federation, if only this judge is not found guilty of criminal



abuse of his authority by court whose sentence has entered into its legal force.

For a breach of discipline (violation of the norms of this Federal Constitutional Law, or of the federal law on the status of judges, as well as of the provisions of the Code of Judicial Ethics endorsed by the All-Russia Congress of Judges) the following disciplinary penalty may be imposed on a judge of the Constitutional Court of the Russian Federation:

- a warning;
- termination of a judge's powers.

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

The judges of the Constitutional Court of the Russian Federation shall enjoy equal rights.

The judges of the Constitutional Court of the Russian Federation shall have the right of voting on all issues considered in the plenary sessions of the Constitutional Court of the Russian Federation or in the sessions of the Chamber of the Constitutional Court of the Russian Federation, in whose composition he is included.

The powers of the Chairman, the Deputy Chairman and the Judge-Secretary 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 a Constitutional Court of the Russian Federation

The powers of a judge of the Constitutional Court of the Russian Federation may be suspended, if:

[Federal Constitutional Law No. 4-FKZ of December 15, 2001 amended Item 1 of Article 17 of this Federal Constitutional Law](#)

[The amendments shall enter into force on the expiration of ten days as of the date of the official publication of the said Law](#)

[See the previous wording of the Item](#)

- 1) a criminal case is initiated in respect of a judge or he is a defendant in another criminal case;
- 2) the judge cannot discharge his duties for some time because of the state of his health.

The powers of a judge of the Constitutional Court of the Russian Federation shall be suspended in accordance with the decision of the Constitutional Court of the Russian Federation, taken not later than in a month after the day of exposure of the grounds for the suspension thereof.

A judge of the Constitutional Court of the Russian Federation whose powers have been suspended, shall have no right to participate in sessions of the Constitutional Court of the Russian Federation, or direct official documents to state bodies and organizations, public associations, official persons and to citizens, or to demand from them any kind of documents and other information.

The Constitutional Court of the Russian Federation shall suspend the judge's powers until the grounds for the suspension thereof are eliminated. The restoration of the judge's powers shall be formalized by a decision of the Constitutional Court of the Russian Federation, with the exception of the case envisaged by Item 2 of the first part of the present Article.

The suspension of the powers of a judge of the Constitutional Court of the Russian Federation shall not entail the suspension of payment to this judge of his wages and shall not deprive him of the guarantees established by the present Federal Constitutional Law.

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

The powers of a judge of the Constitutional Court of the Russian Federation shall be terminated because of:

- 1) violation of the procedure for his appointment to the post of judge of the Constitutional Court of the Russian Federation, laid down by the Constitution of the Russian Federation and by the present Federal Constitutional Law;

*Federal Constitutional Law No. 1-FKZ of February 8, 2001 has introduced amendments into Item 2 of the first part of Article 18 of the present Federal Constitutional Law*

2) expiry of the term of the judge's powers;

*Federal Constitutional Law No. 1-FKZ of February 8, 2001 has rendered Item 3 of the first part of Article 18 of the present Federal Constitutional Law in a new edition*

- 3) the judge's personal written application for resignation before expiry of the term of his powers;
- 4) the judge's loss of Russian Federation citizenship;
- 5) passing a verdict of "guilty" with respect to the judge, which has come into legal force;
- 6) the judge's committing an action defaming the honour and dignity of a judge;
- 7) the judge's continuing to engage in occupations, or to perform actions, incompatible with his post, despite a warning made by the Constitutional Court of the Russian Federation;
- 8) the judge's non-participation in the sessions of the Constitutional Court of the Russian Federation or his avoidance of voting more than two times in a row without valid reason;
- 9) recognition of the judge as legally incapable by a court decision which has come into legal force;
- 10) recognition of the judge as missing by a court decision which has come into legal force;
- 11) declaring the judge as deceased by a court decision which has come into legal force;
- 12) the judge's death.

The powers of a judge of the Constitutional Court of the Russian Federation may also be terminated because of his inability, on account of the state of his health or other valid reasons, to discharge a judge's duties over the course of a long period (not less than over ten months in a row).

The powers of the judge of the Constitutional Court of the Russian Federation shall be terminated by a decision of the Constitutional Court of the Russian Federation, which shall be forwarded to the President of the Russian Federation and to the Federation Council and which shall be seen as an official notification of the appearance of a vacancy.

The termination of the powers of a judge of the Constitutional Court of the Russian Federation on the grounds given in Item 1 of the first part of the present Article, shall be effected by the Federation Council at the recommendation of the Constitutional Court of the Russian Federation.

The powers of a judge of the Constitutional Court of the Russian Federation shall be terminated on the grounds given in Item 6 of the first part of the present Article by the Federation Council at the recommendation of the Constitutional Court of the Russian Federation, approved by the majority of no less than two-thirds of the total number of judges.

#### **Article 19.** Resignation of a Judge of the Constitutional Court of the Russian Federation

A judge shall be seen as having resigned or as having been dismissed, if his powers are terminated on the grounds envisaged in Items 2, 3 and 9 of the first and second parts of [Article 18](#) of the present Federal Constitutional Law.

A judge of the Constitutional Court of the Russian Federation who resigns, who has a work record in the post of judge of no less than fifteen years regardless of his age, shall be paid at his choice a pension or a non-taxable monthly life maintenance payment in the amount of eighty per cent of the monetary remuneration of a working judge of the Constitutional Court of the Russian Federation. The period of previous work in the legal profession shall be included into the work record granting the right to the receipt of the monthly life maintenance payment.

The procedure for the allocation and the payment of the monthly life maintenance payment shall be established by the Government of the Russian Federation at the recommendation of the Constitutional Court of the Russian Federation. The funds for providing the resigned judges of the Constitutional Court of the Russian Federation with the monthly life maintenance payment shall be allocated from the federal budget.



*The procedure for the allocation and the payment of the monthly life maintenance payment to the resigned judges of the Constitutional Court of the Russian Federation has been approved by Decision of the Government of the Russian Federation No. 425 of April 27, 1995*

The other provisions for the status of resigned judges, established by the legislation of the Russian Federation shall also extend to resigned judge of the Constitutional Court of the Russian Federation.

### **Chapter III. Structure and Organization of Activity of the Constitutional Court of the Russian Federation**

#### **Article 20. Organizational Forms of the Constitutional Court Proceedings**

The Constitutional Court of the Russian Federation shall consider and resolve cases in plenary sessions and in sessions of the chambers of the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation shall consist of two chambers, embracing ten and nine judges of the Constitutional Court of the Russian Federation, respectively. The personal composition of the chambers shall be determined by casting lots, and the procedure for doing this shall be established by the Regulations of the Constitutional Court of the Russian Federation.

All the judges of the Constitutional Court of the Russian Federation shall take part in plenary sessions, and in the sessions of the chambers - the judges included into the composition of the corresponding chamber.

The Chairman and Deputy Chairman of the Constitutional Court of the Russian Federation cannot be entered into the composition of one and the same chamber.

The personal composition of the chambers shall not remain unchanged for over three years in a row.

The order of priority for the execution by the judges, included into the composition of the chamber, of the powers of the president judge at its sessions shall be defined in the session of the chamber.

#### **Article 21. Issues Considered in the Plenary Sessions of the Constitutional Court of the Russian Federation**

The Constitutional Court of the Russian Federation shall have the right to consider in a plenary session any question placed within the jurisdiction of the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation shall, exclusively in plenary sessions:

- 1) resolve cases about the correspondence to the Constitution of the Russian Federation of the Constitutions of the Republics and of the charters of the subjects of the Russian Federation;
- 2) give an interpretation of the Constitution of the Russian Federation;
- 3) issue a conclusion on the observation of the established procedure for bringing against the President of the Russian Federation an accusation of high treason or of committing any other grave crime;
- 4) accept messages from the Constitutional Court of the Russian Federation;
- 5) resolve questions about producing legislative initiatives on issues within its jurisdiction.

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

- 1) elect the Chairman, the Deputy Chairman and the Judge - Secretary of the Constitutional Court of the Russian Federation;
- 2) make up the personnel composition of the chambers of the Constitutional Court of the Russian Federation;
- 3) adopt the Regulations of the Constitutional Court of the Russian Federation and introduce into them amendments and addenda;
- 4) establish the order of priority for considering cases in the plenary sessions of the Constitutional Court of the Russian Federation and distribute the cases between the chambers;
- 5) take decisions on the suspension or termination of the powers of a judge of the Constitutional Court of the Russian Federation, as well as on the unscheduled relief from the post of Chairman,

Deputy Chairman or Judge - Secretary of the Constitutional Court of the Russian Federation.

**Article 22.** Issues Considered in Sessions of the Chambers of the Constitutional Court of the Russian Federation

In the sessions of its chambers the Constitutional Court of the Russian Federation shall resolve cases within the jurisdiction of the Constitutional Court of the Russian Federation which are not subject to consideration, in conformity with the present Federal Law, exclusively in plenary sessions.

In the sessions of its chambers, the Constitutional Court of the Russian Federation shall:

1) resolve the cases on the correspondence to the [Constitution](#) of the Russian Federation:

a) of Federal Laws and normative acts of the President of the Russian Federation, of the Federation Council, State Duma and Government of the Russian Federation;

b) of laws and other normative acts of the subjects of the Russian Federation, issued on questions within the jurisdiction of the state power bodies of the Russian Federation and within the joint jurisdiction of the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation;

c) of the agreements between the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation, and of the agreements between the state power bodies of the subjects of the Russian Federation;

d) of international treaties of the Russian Federation which have not come into force;

2) resolve disputes on competence:

a) between federal state power bodies;

b) between state power bodies of the Russian Federation and state power bodies of the subjects of the Russian Federation;

c) between higher state bodies of the subjects of the Russian Federation;

3) at the complaints against violation of citizens' constitutional rights and freedoms, and at the inquiries from the courts, check the constitutionality of the law which is applied or is the subject of a given application.

**Article 23.** Election of the Chairman, Deputy Chairman and Judge-Secretary of the Constitutional Court of the Russian Federation

In a plenary session of the Constitutional Court of the Russian Federation, the judges shall elect for a term of three years by secret ballot, by the majority of the total number of judges, from its composition and individually, the Chairman, Deputy Chairman and the Judge - Secretary of the Constitutional Court of the Russian Federation.

After expiry of the term of their powers, the Chairman, the Deputy Chairman and the Judge-Secretary of the Constitutional Court of the Russian Federation may be elected for a new term.

The Chairman, the Deputy Chairman and the Judge-Secretary of the Constitutional Court of the Russian Federation may resign these powers by filing a personal written application. The resignation of powers shall be confirmed by the decision of the Constitutional Court of the Russian Federation.

At the initiative of no less than five judges of the Constitutional Court of the Russian Federation, who think that the Chairman, the Deputy Chairman or the Judge-Secretary of the Constitutional Court of the Russian Federation do not discharge their duties conscientiously or abuse their powers, the question may be raised of relieving them of the corresponding post before the schedule. The question of the early relief from the post of the above-said persons shall be decided by a majority of no less than two-thirds of the total number of judges of the Constitutional Court of the Russian Federation by secret ballot.

If the post of Chairman, Deputy Chairman or Judge - Secretary of the Constitutional Court of the Russian Federation becomes vacant, a new election shall be held not later than in two months from appearance of the vacancy, in the order established by the present Article. Upon expiry of the term of their powers, the said official persons shall go on discharging their duties until a new election is held.

**Article 24.** Chairman of the Constitutional Court of the Russian Federation

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

- 1) guide the preparation of plenary sessions of the Constitutional Court of the Russian Federation, call these sessions and preside over them;
- 2) submit for the discussion of the Constitutional Court of the Russian Federation questions subject to consideration in plenary sessions and in the sessions of the chambers;
- 3) represent the Constitutional Court of the Russian Federation in relations with state bodies and organizations, as well as with public associations, and also, with the authorization of the Constitutional Court of the Russian Federation, make statements on its behalf;
- 4) carry out the general guidance of the apparatus of the Constitutional Court of the Russian Federation and submit for the approval of the Constitutional Court of the Russian Federation the candidates for the heads of the Secretariat of the Constitutional Court of the Russian Federation and the other subdivisions of the apparatus, as well as of the other services of the Constitutional Court of the Russian Federation, and also the Regulations on the Secretariat of the Constitutional Court of the Russian Federation and the staff table for the apparatus;
- 5) exert other powers in conformity with the present Federal Constitutional Law and with the Regulations of the Constitutional Court of the Russian Federation.

The Chairman of the Constitutional Court of the Russian Federation shall issue Orders and Directions.

**Article 25.** Temporary Discharge of the Duties of Chairman of the Constitutional Court of the Russian Federation

In all cases when the Chairman of the Constitutional Court of the Russian Federation is in no state to discharge his duties, these duties shall be temporarily discharged by the Deputy Chairman of the Constitutional Court of the Russian Federation.

If it is impossible for the Deputy Chairman of the Constitutional Court of the Russian Federation to discharge the duties of the Chairman, the temporary discharge of these duties shall pass in succession to the Judge-Secretary of the Constitutional Court of the Russian Federation, to judge with the longest work record in the capacity of the judge of the Constitutional Court of the Russian Federation, and if the work records are equal - to the oldest judge of the Constitutional Court of the Russian Federation.

**Article 26.** Deputy Chairman of the Constitutional Court of the Russian Federation

The Deputy Chairman of the Constitutional Court of the Russian Federation shall, at the authorization of the Chairman of the Constitutional Court of the Russian Federation, fulfil the latter's individual functions and discharge his own duties imposed upon him by the Constitutional Court of the Russian Federation.

**Article 27.** Judge-Secretary of the Constitutional Court of the Russian Federation

The Judge-Secretary of the Constitutional Court of the Russian Federation shall:

- 1) perform direct guidance of the work of the apparatus of the Constitutional Court of the Russian Federation;
- 2) provide in organizational terms for the preparation and conducting of the sessions of the Constitutional Court of the Russian Federation;
- 3) bring to the knowledge of the corresponding bodies, organizations and persons the decisions adopted by the Constitutional Court of the Russian Federation and inform the Constitutional Court of the Russian Federation about their execution;
- 4) organize the informational supply for the judges of the Constitutional Court of the Russian Federation;
- 5) exercise other powers in conformity with the present Federal Constitutional Law and the Regulations of the Constitutional Court of the Russian Federation.

**Article 28.** Regulations of the Constitutional Court of the Russian Federation

In the Regulations of the Constitutional Court of the Russian Federation shall be established, on the basis of the Constitution of the Russian Federation and the present Federal Constitutional Law: the procedure for determining the personal composition of the chambers of the Constitutional Court of the Russian Federation; the procedure for the distribution of cases between them; the procedure for determining the order of priority for the consideration of cases in plenary sessions and in sessions of the chambers; the individual rules for procedure and etiquette in the sessions; the specifics of office work in the Constitutional Court of the Russian Federation; the demands made on the workers of the apparatus of the Constitutional Court of the Russian Federation; and other questions involved in the internal activity of the Constitutional Court of the Russian Federation.

*See the [Regulations](#) of the Constitutional Court of the Russian Federation (approved by the Constitutional Court of the Russian Federation on March 1, 1995)*

## **Section Two. General Rules for the Procedure of the Constitutional Court of the Russian Federation**

### **Chapter IV. Principles of the Constitutional Proceedings**

#### **Article 29. Independence**

The judges of the Constitutional Court of the Russian Federation shall be independent and shall rely in exercising their powers only on the Constitution of the Russian Federation and on 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 public bodies, political parties and movements, or state, public and other enterprises, institutions and organizations, or official persons, state and territorial entities, nationalities and social groups.

The decisions and the other acts of the Constitutional Court of the Russian Federation shall express the judges' legal position, corresponding to the [Constitution](#) of the Russian Federation and free of any political bias.

The judges of the Constitutional Court of the Russian Federation shall take decisions under conditions excluding any outside influence upon the freedom of expression of their will. They shall have no right to ask for, or to receive, from any one whatsoever any directives concerning the questions accepted for preliminary study or already under the consideration of the Constitutional Court of the Russian Federation.

Any kind of interference with the activity of the Constitutional Court of the Russian Federation shall be inadmissible and shall entail the responsibility stipulated by law.

#### **Article 30. Collective Nature**

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

The Constitutional Court of the Russian Federation shall have the right to adopt decisions in plenary sessions in the presence of not less than two-thirds of the total number of judges, and in the session of the chamber - if not less than three quarters of its composition are attending.

When determining the existence of the quorum, judges debarred from participation in case consideration and judges whose powers have been suspended, shall not be taken into account.

#### **Article 31. Openness**

Cases shall be considered in sessions of the Constitutional Court of the Russian Federation openly. Conducting of closed sessions shall be admissible only in the cases stipulated by the present Federal Constitutional Law. The decisions adopted both in open and closed sessions shall be announced publicly.

#### **Article 32. Oral Nature of the Investigation**

The investigation in the sessions of the Constitutional Court of the Russian Federation shall be conducted orally. In the course of investigating cases the Constitutional Court of the Russian Federation shall hear the explanations of the parties and the statements of experts and witnesses, and shall read out the existing documents.

In a session of the Constitutional Court of the Russian Federation documents which were submitted to the judges and to the parties for prior study, or whose content was exposed in the session on the given case shall not be read out.

#### **Article 33. Language of the Constitutional Court Proceedings**

Procedures shall be conducted in the Constitutional Court of the Russian Federation in the Russian language.

Participants in the process, who do not have a command of the Russian language, shall be granted the right to give explanations in another language and to make use of the services of an interpreter.

#### **Article 34. Continuity of the Court Session**

The session of the Constitutional Court of the Russian Federation on each case shall be conducted without interruption, with the exception of time assigned for rest or for preparing the participants in the process for further investigation, as well as for eliminating the circumstances which interfere with the normal course of the session.

The Constitutional Court of the Russian Federation shall not consider in a plenary session any other cases until a decision on the case under consideration in the plenary session is adopted, or until its hearing is postponed.

A chamber of the Constitutional Court of the Russian Federation shall not consider other cases, placed by the present Federal Constitutional Law within the chamber's jurisdiction, until the decision on the case under consideration is adopted, or until its hearing is postponed.

Before a decision on the case under consideration in a plenary session of the Constitutional Court of the Russian Federation is adopted, other cases may be considered in the sessions of the chambers. Other cases may be considered in a plenary session before a decision on the case under consideration in the chambers is taken.

#### **Article 35. Competitiveness and Equality of the Parties**

The parties shall enjoy equal rights and opportunities in defending their position on the basis of competitiveness in the session of the Constitutional Court of the Russian Federation.

### **Chapter V. Application to the Constitutional Court of the Russian Federation**

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

The filing of an application to the Constitutional Court of the Russian Federation in the form of an inquiry, petition or complaint, satisfying the demands of the present Federal Constitutional Law shall be seen as a reason for considering the case in the Constitutional Court of the Russian Federation.

Vagueness exposed in the question whether a law, other normative act, agreement between the state power bodies, or an international treaty which has not come into force, corresponds to the [Constitution](#) of the Russian Federation, or a revealed contradiction in the parties' positions on the affiliation of legal power in disputes on competence, or the exposed indefiniteness in the interpretation of the provisions of the [Constitution](#) of the Russian Federation, or the bringing by the State Duma against the President of the Russian Federation of an accusation of high treason or of committing another grave crime shall be seen as the grounds for the consideration of a case.

#### **Article 37. General Demands Made on the Application**

The application shall be forwarded to the Constitutional Court of the Russian Federation in writing and shall be signed by a legally authorized person (by legally authorized persons).



In the application shall be indicated:

- 1) the Constitutional Court of the Russian Federation as the body to which the application is directed;
- 2) the name of the applicant (in a citizen's complaint - the surname, name and patronymic); the address and the other information on the applicant;
- 3) the necessary data on the applicant's representative and on his powers, with the exception of cases when the representation is made by force of the occupied post;
- 4) the name and address of the state body which has issued the act subject to verification, or which is taking part in the dispute about competence;
- 5) the norms of the [Constitution](#) of the Russian Federation and of the present Federal Constitutional Law, granting the right to apply to the Constitutional Court of the Russian Federation;
- 6) the precise title, number, date of acceptance, source of the publication and other information on the act subject to verification or on the provision of the [Constitution](#) of the Russian Federation subject to interpretation;
- 7) the concrete grounds, indicated in the present Federal Constitutional Law, for consideration of the application by the Constitutional Court of the Russian Federation;
- 8) the applicant's position on the question raised and its legal substantiation with a reference to the corresponding norms of the [Constitution](#) of the Russian Federation;
- 9) a demand directed to the Constitutional Court of the Russian Federation in connection with the inquiry, petition or complaint;
- 10) the list of the documents enclosed with the application.

#### **Article 38.** Documents Enclosed with the Application

With the application, forwarded to the Constitutional Court of the Russian Federation, shall be enclosed the following documents:

- 1) the text of the act subject to verification, or the provisions of the Constitution of the Russian Federation subject to interpretation;
- 2) the warrant or another document, confirming the powers of the representative, with the exception of cases when the representation is made by force of the occupied post, as well as copies of the documents confirming the person's right to appear in the Constitutional Court of the Russian Federation in the capacity of representative;
- 3) the document on the payment of the state duty;
- 4) the translation into the Russian language of all the documents and other materials, submitted in a different language.

With the application may be enclosed lists of witnesses and experts who are supposed to be summoned to the session of the Constitutional Court of the Russian Federation, as well as other documents and materials.

The application and the documents and other materials enclosed with it in conformity with the first part of the present Article, shall be presented to the Constitutional Court of the Russian Federation with thirty copies. Citizens shall submit the necessary documents with three copies.

#### **Article 39.** State Duty

Applications to the Constitutional Court of the Russian Federation shall be levied with state duty:

- an inquiry and a petition - in the amount of fifteen times the [minimum wage](#);
- a complaint from a legal entity - in the amount of fifteen times the [minimum wage](#);
- a complaint from the citizen - in the amount of one [minimum wage](#).

The Constitutional Court of the Russian Federation may by decision relieve a citizen from the payment of the state duty or may reduce its amount, taking into account his material situation.

Inquiries from courts, inquiries concerning the interpretation of the [Constitution](#) of the Russian Federation, petitions of the President of the Russian Federation on disputes about competence, when he is not a party to these disputes, and inquiries on the issue of a conclusion on the observation of the established procedure in bringing against the President of the Russian Federation an accusation of high treason or of committing another grave crime, shall not be levied with a state duty.



The state duty shall be returned if the application is not accepted for consideration.

## **Chapter VI. Preliminary Consideration of Applications**

### **Article 40.** Consideration of Applications by the Secretariat of the Constitutional Court of the Russian Federation

The applications received by the Constitutional Court of the Russian Federation shall be subject to obligatory registration.

If the application:

- 1) is clearly outside the jurisdiction of the Constitutional Court of the Russian Federation;
- 2) does not satisfy in form the demands made on it by the present Federal Constitutional Law;
- 3) is directed by an inappropriate body or person;
- 4) for which state duty is not paid, unless otherwise established by the present Federal

Constitutional Law, the Secretariat of the Constitutional Court of the Russian Federation shall notify the applicant about the non-correspondence of his application to the demands of the present Federal Constitutional Law. The applicant shall have the right to demand that the Constitutional Court of the Russian Federation adopt a decision to this effect.

After he has eliminated the defects pointed out in Items 2 and 4 of the second part of the present Article, the applicant shall have the right to lodge the application with the Constitutional Court of the Russian Federation once again.

If the application is clearly outside the jurisdiction of the Constitutional Court of the Russian Federation, the Secretariat of the Constitutional Court of the Russian Federation may direct it to the state bodies or organizations, competent to resolve the questions raised in it.

### **Article 41.** Preliminary Study of the Application by the Judges of the Constitutional Court of the Russian Federation

The Chairman of the Constitutional Court of the Russian Federation shall order, in conformity with the procedure established by the Constitutional Court of the Russian Federation, one or several judges to carry out a preliminary study of the application, which shall be completed not later than in two months from the moment of registering the application. The preliminary study of the application by the judge (judges) shall be an obligatory stage in the procedure in the Constitutional Court of the Russian Federation.

The conclusion of the judge (judges) of the Constitutional Court of the Russian Federation, made in accordance with the results of the preliminary study of the application, shall be reported in a plenary session of the Constitutional Court of the Russian Federation.

### **Article 42.** Accepting an Application for Consideration

The decision on accepting an application for consideration shall be taken by the Constitutional Court of the Russian Federation in a plenary session not later than a month after the moment of completing the preliminary study of the application.

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

In urgent cases, the Constitutional Court of the Russian Federation may turn to the corresponding bodies and official persons with a proposal to suspend operation of the disputed act or the process of coming into force of the disputed international treaty of the Russian Federation until consideration of the case is completed by the Constitutional Court of the Russian Federation.

### **Article 43.** Refusal to Accept an Application for Consideration

The Constitutional Court of the Russian Federation shall refuse to accept an application for consideration, if:

- 1) resolution of the question raised in the application is out of the jurisdiction of the Constitutional Court of the Russian Federation;
- 2) the application is not admissible in conformity with the demands of the present Federal Constitutional Law;

3) the Constitutional Court of the Russian Federation has earlier taken a decision on the subject of the application;

If the act, whose constitutionality is being disputed, has been repealed or has lost force by the start or in the period of consideration of the case, the procedure launched by the Constitutional Court of the Russian Federation may be stopped, with the exception of cases when the operation of the given act has violated citizens' constitutional rights and freedoms.

#### **Article 44.** Recall of Application

An application lodged with the Constitutional Court of the Russian Federation may be recalled by the applicant before consideration of the case is started in a session of the Constitutional Court of the Russian Federation. If the application is recalled, the procedure on the case shall be stopped.

### **Chapter VII. General Procedural Rules for the Consideration of Cases in the Constitutional Court of the Russian Federation**

#### **Article 45.** Calling the Sessions

Plenary sessions of the Constitutional Court of the Russian Federation shall be called by the Chairman of the Constitutional Court of the Russian Federation, and the sessions of the chamber - by the person presiding in the chamber.

#### **Article 46.** Procedure for the Consideration of Questions in Plenary Sessions and in the Sessions of the Chambers

In plenary sessions of the Constitutional Court of the Russian Federation and in sessions of its chambers a uniform procedure shall be applied for considering questions, unless otherwise established by the present Federal Constitutional Court or laid down by the Regulations of the Constitutional Court of the Russian Federation.

#### **Article 47.** Selection of Cases for Hearing

The decision on the selection of cases for hearing in a plenary session of the Constitutional Court of the Russian Federation or in sessions of the chambers shall be adopted by the Constitutional Court of the Russian Federation in a plenary session not later than in a month after the adoption of the application for consideration. The decision shall specify the order of priority in the hearing of the cases.

#### **Article 48.** Uniting Cases

Consideration of every case shall present an object for a special session. The Constitutional Court of the Russian Federation may unite in a single procedure cases on applications concerning one and the same subject.

#### **Article 49.** Preparation of the Case for Hearing

To prepare a case for the hearing, to compile the draft decision of the Constitutional Court of the Russian Federation and to present the materials in the session, the Constitutional Court of the Russian Federation shall appoint one or several reporting judges.

When studying the application and preparing the case for the hearing, the reporting judge, in conformity with the powers of the Constitutional Court of the Russian Federation, shall order that the necessary documents and materials be supplied, and that the checks, investigations and expert examinations be carried out; he shall be entitled to make use of the consultations of experts and to forward inquiries. The reporting judge and the president in the session shall delineate the circle of persons to be invited and summoned to the session, shall issue directions on the notification about the place and time of the session and shall direct the necessary materials to the participants in the process.

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

The demands of the Constitutional Court of the Russian Federation for the supply of texts of normative and other legal acts, of documents and copies thereof, of cases, information and other materials; for the certification of the documents and texts of the normative acts; for carrying out checks, investigations and expert examinations; for the establishment of certain circumstances; for attracting specialists; for the provision of explanations and consultations, and for the expression of professional opinions on cases under consideration shall be obligatory for all the bodies, organizations and persons to whom they are addressed. The demands of the Constitutional Court of the Russian Federation shall be considered and the answer in accordance with the results of their consideration shall be directed to the Constitutional Court of the Russian Federation in the course of one month from the day of receiving these demands, unless a different time term is fixed by the Constitutional Court of the Russian Federation.

The outlays involved in the fulfilment by state bodies and organizations of the demands of the Constitutional Court of the Russian Federation shall be borne by these bodies and organizations. The outlays of other organizations and persons shall be recompensed from the federal budget in the order established by the Government of the Russian Federation.

The refusal to consider, or the avoidance of the consideration or execution, the violation of the time terms fixed for the consideration or execution, the non-execution or improper execution of the demands of the Constitutional Court of the Russian Federation, as well as deliberately misleading it shall entail the consequences stipulated by the legislation of the Russian Federation.

#### **Article 51.** Sending Materials. Notification of the Session

The notification of the session of the Constitutional Court of the Russian Federation, the copies of the applications and the responses received to them, the copies of the verified acts and, if necessary, other documents shall be forwarded to the judges and the participants in the process not later than ten days before the start of the session. The responses to the applications shall in this case be sent within the above-said term only if they have arrived not later than two weeks before the start of the session.

Announcements on the sessions of the Constitutional Court of the Russian Federation shall be put on display in the building it occupies at the places which are easily accessible for citizens, and shall be made through the mass media.

#### **Article 52.** Participants in the Process

The parties and their representatives, witnesses, experts and interpreters shall be seen as participants in the process.

#### **Article 53.** Parties and Their Representatives

The following shall be seen as parties in the constitutional court proceedings:

- 1) the applicants - the bodies or persons, who have made an application to the Constitutional Court of the Russian Federation;
- 2) the bodies or official persons who issued or signed the act whose constitutionality is subject to verification up;
- 3) the state bodies whose competence is put into question.

The following persons may appear as representatives of the parties by force of the post occupied: the head of the body who signed the application to the Constitutional Court of the Russian Federation, the head of the body who issued the disputed act or who is taking part in the dispute about competence, the official person who signed the disputed act, and any member (Deputy) of the Federation Council or Deputy of the State Duma from among those who have made the inquiry. The parties' representatives may also be lawyers or the persons with a higher degree in the legal profession, whose powers are confirmed by the corresponding documents. Each of the parties may have no more than three representatives.

*On the provisions for the activity of the plenipotentiary representative of the President of the Russian Federation in the Constitutional Court of the Russian Federation, see [Decree of the President of the Russian Federation No. 1791 of December 31, 1996](#)*

*On the plenipotentiary representative of the Government of the Russian Federation in the Constitutional Court of the Russian Federation, see [Decision of the Government of the Russian Federation No. 172 of March 12, 2001](#)*

The parties shall possess equal procedural rights. The parties and their representatives shall have the right to get acquainted with the materials of the case, to expound their position on the case, to ask questions of the other participants in the process and to file petitions, including on the rejection of the judge. The party may submit written responses to the application, which shall be added to the materials of the case, and get acquainted with the responses of the other party.

The parties or their representatives shall be obliged to appear at the summons of the Constitutional Court of the Russian Federation, to give explanations and to answer questions. The non-appearance of the party or of its representative in the session of the Constitutional Court of the Russian Federation shall not be seen as an obstacle to the consideration of the case, with the exception of the instances when the party has requested that the case be considered in its presence and has confirmed the validity of the reason for its absence.

#### **Article 54. Open Sessions**

The sessions of the Constitutional Court of the Russian Federation shall be open, with the exception of cases envisaged by the present Federal Constitutional Law. Those attending shall have the right to follow the course of the session from the seats occupied. Cinema and video recording and photography, as well as the radio and television broadcasting of the session shall be admissible only with the permission of the Constitutional Court of the Russian Federation.

The Chairman of the Constitutional Court of the Russian Federation, with the consent of the Constitutional Court of the Russian Federation, may order, in order to guarantee the security of those present at the session of the Constitutional Court of the Russian Federation, that persons wishing to be present at the session be checked, including verification of the documents identifying the person, examination of the things they take in to the court room and a personal examination.

Those present in the court room shall be obliged to show respect to the Constitutional Court of the Russian Federation and to the rules and procedures accepted in it, and to obey the orders of the chief judge on observing the schedule of the session.

Maintaining order in a session of the Constitutional Court of the Russian Federation shall be the duty of [officers of the law](#), whose demands shall be obligatory for all those present.

*[Order of the Ministry of Justice of the Russian Federation No. 226 of August 3, 1999 approved the Instructions on the Procedure for the Execution by Officers of the Law of the Orders of the Chairman of the Court, a Judge or the Chief Judge in the Court Session, and also for Interaction of the Officers of the Law with Official Persons and with Citizens When Fulfilling Duties Aimed at Ensuring the Established Procedure of the Courts' Activity and Participating in Executive Activity](#)*

A person who has violated the order in the session or who has not obeyed the lawful orders of the presiding judge, may be removed from the court room after a warning. The chief judge, with the consent of the Constitutional Court of the Russian Federation, may remove after the public giving a warning, if the latter has violated the order and has thus interfered with the normal course of the court session.

The Constitutional Court of the Russian Federation may impose upon a person, who has violated the order in the court session or who has disobeyed the lawful orders of the presiding judge, a fine of up to ten times the minimum wage.

#### **Article 55. Closed Session**

The Constitutional Court of the Russian Federation shall announce a closed session, if this is necessary to keep a legally-protected secret, to guarantee the security of citizens or to protect social morals.

At the closed session shall be present the judges of the Constitutional Court of the Russian

Federation, the parties and their representatives. The possibility of attendance by the other participants in the process and by the workers of the Secretariat of the Constitutional Court of the Russian Federation, directly providing for the normal course of the session, shall be determined by the chief judge of the session in agreement with the other judges.

In closed sessions the cases shall be considered with the observation of the general rules for constitutional court proceedings.

#### **Article 56.** Removal of a Judge from Participation in Consideration of a Case

A judge of the Constitutional Court of the Russian Federation shall be removed from taking part in consideration of the case, if:

1) the judge has earlier participated, through the post occupied, in the acceptance of the act which is under consideration;

2) the judge's objectivity in resolving the case may be put into doubt because of his kindred or marital relationships with the representatives of the parties.

If the circumstances pointed out in the first part of the present Article exist, the judge of the Constitutional Court of the Russian Federation shall be obliged to propose his own exclusion before the hearing of the case is started.

The removal of a judge of the Constitutional Court of the Russian Federation from participation in a case shall be effected by the substantiated decision of the Constitutional Court of the Russian Federation, passed by the majority of the attending judges after hearing the judge, the issue of whose exclusion is being resolved.

#### **Article 57.** Routine of the Session

At the appointed time, the presiding judge, having ascertained the existence of a quorum, shall open the session of the Constitutional Court of the Russian Federation and shall inform those present what particular case is to be considered.

The chief judge shall make certain of the presence of the participants in the process and check the powers of the parties' representatives. If any one participant in the process has failed to appear, or if the representative of a party has not properly formalized his powers, the chief judge shall raise the question of the possibility to consider the case. If the Constitutional Court of the Russian Federation recognizes that its consideration is impossible, the case shall be postponed.

The chief judge shall explain to the parties and to their representatives their rights and duties, and to the other participants in the process - their rights, duties and responsibility.

#### **Article 58.** Chief Judge in the Session

The chief judge in a session of the Constitutional Court of the Russian Federation shall lead the session, while taking the necessary measures to provide for the established procedure of investigation, its fullness and consideration of all sides, and for fixing its course and results; he shall eliminate from the investigation everything irrelevant to the case under consideration; shall give the floor for speaking to the judges and participants in the process; shall interrupt the statements of the participants in the process if they touch upon the issues of no bearing upon the investigation, and shall deprive them of the right to speak if they wilfully violate the sequence of statements, disobey the chief judge's demands two times, or use foul or insulting words, or proclaim statements and slogans prohibited by law.

The objections of any one participant in the process against the orders and the actions of the chief judge shall be entered into the protocol of the session. The orders and actions of the chief judge may be revised by the Constitutional Court of the Russian Federation in the same session at the proposal of a party or of any one of the sitting judges.

#### **Article 59.** Drawing Up the Protocol

In a session of the Constitutional Court of the Russian Federation a protocol shall be drawn up, the demands for which shall be established by the Regulations of the Constitutional Court of the Russian Federation.

To guarantee the completeness and preciseness of the protocol, a verbatim report may also be



made.

The protocol of the plenary session shall be signed by the Chairman and Judge-Secretary of the Constitutional Court of the Russian Federation, and a protocol of a session of the chamber - by the chief judge in the session of the chamber.

The parties shall have the right to examine the protocol and the verbatim report of the session of the Constitutional Court of the Russian Federation, and to submit their remarks on them. The other participants in the process may examine the protocol and the verbatim report with the permission of the Constitutional Court of the Russian Federation.

The remarks on the protocol or verbatim report of the session shall be considered jointly by the chief judge of the session and the reporting judge with the participation, if necessary, of the persons who have submitted the remarks. Remarks on the protocol and the verbatim report of the session, as well as the decision on the certification of their correctness or their rejection, shall be attached to the protocol or verbatim report respectively.

#### **Article 60.** Order for the Investigation of Questions

The investigation on the merits of the case under consideration in the session of the Constitutional Court of the Russian Federation shall be started with the statement of the reporting judge on the reasons and grounds for its consideration, on the merits of the case, on the content of the existing materials and on the measures undertaken to prepare the case for consideration. The reporting judge may be asked questions by the other judges of the Constitutional Court of the Russian Federation.

After the reporting judge has ended his statement, the Constitutional Court of the Russian Federation shall hear the parties' proposals and shall take a decision on the order for the investigation of the questions involved in the case.

The order, established by decision of the Constitutional Court of the Russian Federation, may be changed only by the Constitutional Court of the Russian Federation itself. Proposals made in the course of the case consideration by the judges of the Constitutional Court of the Russian Federation concerning the order of investigation of the questions, shall be considered by the Constitutional Court of the Russian Federation without delay.

#### **Article 61.** Postponement of the Session

The consideration of the case may be postponed, if the Constitutional Court of the Russian Federation finds that the case is not sufficiently well prepared and requires further study, which cannot be done in the same session because of the non-appearance of a party, witness or expert, whose presence was recognized as obligatory, and also if necessary materials have not been submitted. In this case, the Constitutional Court of the Russian Federation shall appoint the date to which the session is transferred. The session on the case whose consideration was postponed shall be started either from the very beginning, or from the moment at which it was postponed.

#### **Article 62.** Explanations of the Parties

In conformity with the order established by decision of the Constitutional Court of the Russian Federation, the chief judge in the session shall suggest that the parties give explanations on the merits of the question under consideration and that they cite legal arguments in substantiation of their position. If the party's position is defended by several representatives, the sequence and the length of their statements shall be determined by the party in question.

The parties and their representatives shall have no right to make use of their statements in the Constitutional Court of the Russian Federation for making any political statements and declarations, and shall not permit themselves any insulting expressions to the address of state bodies, public associations, participants in the process, official persons and citizens.

The Constitutional Court of the Russian Federation shall be obliged to hear the party's explanation in full.

After listening to the party's explanation, the judges of the Constitutional Court of the Russian Federation and the other party and, with the permission of the Constitutional Court of the Russian



Federation, experts as well, may put questions to this party.

**Article 63. Expert Conclusion**

A person possessing special knowledge on the issues involved in the case under consideration may be invited to a session of the Constitutional Court of the Russian Federation in the capacity of an expert. The questions, about which the expert is expected to draw conclusions, shall be pointed out by the reporting judge or by the Constitutional Court of the Russian Federation.

Before he is given the floor, the expert shall be put under oath and shall be warned about the consequences of giving deliberately wrong conclusions.

The expert shall have the right, with the permission of the Constitutional Court of the Russian Federation, to acquaint himself with the case materials, to put questions to the parties and to the witnesses, and to make requests for the supply of additional materials.

After giving a conclusion, the expert shall be obliged to answer additional questions put by the judges of the Constitutional Court of the Russian Federation and by the parties.

**Article 64. Testimony of Witnesses**

If it proves to necessary to investigate the actual circumstances, whose establishment is placed within the jurisdiction of the Constitutional Court of the Russian Federation, persons having at their disposal certain information or materials on such circumstances may be summoned to attend the session as witnesses.

Before his statements are heard, the witness shall take an oath and shall be warned about the consequences of giving deliberately false testimony.

The witness shall be obliged to inform the Constitutional Court of the Russian Federation about circumstances concerning the merits of the case under consideration of which he is personally aware, and to answer additional questions put by the judges of the Constitutional Court of the Russian Federation and by the parties. If necessary, he may draw on written notes, as well as on documents and other materials.

**Article 65. Investigation of Documents**

At the initiative of the judges or at the request of the parties, certain documents may be read out in the session of the Constitutional Court of the Russian Federation. Documents whose authenticity is doubted shall not be read out.

Documents investigated by the Constitutional Court of the Russian Federation shall be enclosed, by decision of the Constitutional Court of the Russian Federation, with the case materials either in the originals or in certified copies.

**Article 66. Final Statements of the Parties**

After completing the court investigation, the final statements of the parties shall be heard. At the parties' request, the Constitutional Court of the Russian Federation may give them time for preparation of the final statements.

In their final statements the parties shall have no right to refer to documents and circumstances which have not been investigated by the Constitutional Court of the Russian Federation.

**Article 67. Resumption of Consideration of the Case**

If after the final statements of the parties the Constitutional Court of the Russian Federation recognizes that it is necessary to clarify additional circumstances of essential importance to the resolution of the case, or to investigate new proofs, it shall take the decision on the resumption of consideration of the case.

After completing an additional investigation, the parties shall have the right to make final statements once again, but only in connection with the new circumstances and proofs.

**Article 68. Stopping the Procedure on the Case**

The Constitutional Court of the Russian Federation shall stop the procedure on the case if in the course of the session grounds are exposed for the refusal to accept the application for consideration,

or if it is established that the question resolved by the law, other normative act, by an agreement between the state power bodies or by the international treaty of the Russian Federation which has not come into force, whose constitutionality it is proposed to check, has not been treated in the [Constitution](#) of the Russian Federation or is not related to constitutional questions on account of its character and importance.

#### **Article 69. Completing the Case Consideration**

After the Constitutional Court of the Russian Federation recognizes the investigation of the questions of the case as complete, the chief judge in the session shall declare that the hearing of the case is completed.

#### **Article 70. Judges' Conference on Taking the Concluding Decision**

The concluding decision on a case under consideration shall be adopted by the Constitutional Court of the Russian Federation in closed conference.

In the conference shall be take part only the judges of the Constitutional Court of the Russian Federation considering the case at issue. In the conference room may be present the workers of the Constitutional Court of the Russian Federation providing for compilation of a protocol and for ensuring the normal course of the conference.

In the course of the conference, a judge of the Constitutional Court of the Russian Federation shall have the right to freely express his position on the question under discussion and to request that other judges specify their own positions. The number and the length of the statements made in the conference shall not be limited.

In the protocol of the conference it is essential to reflect the questions which were put to the vote, as well as the results of the voting. The protocol shall be signed by all the present judges and shall not be subject to reading out.

The judges and the other persons present in the closed conference shall have no right to divulge the content of the discussion or the results of the voting.

### **Chapter VIII. Decisions of the Constitutional Court of the Russian Federation**

#### **Article 71. Kinds of Decisions**

A decision, adopted both in the plenary session and in the session of the chamber of the Constitutional Court of the Russian Federation, shall be seen as a decision of the Constitutional Court of the Russian Federation.

The concluding decision of the Constitutional Court of the Russian Federation on the merits of any one of the questions enumerated in Items 1, 2, 3 and 4 of the first part of [Article 3](#) of the present Federal Constitutional Law, shall be named as the decision. The decisions shall be passed on behalf of the Russian Federation.

The concluding decision of the Constitutional Court of the Russian Federation on the merits of an inquiry on the observation of the established procedure for bringing an accusation of high treason or of committing another grave crime shall be named the conclusion against the President of the Russian Federation.

All the other decisions of the Constitutional Court of the Russian Federation, adopted in the course of carrying out constitutional court proceedings, shall be named rulings.

In the sessions of the Constitutional Court of the Russian Federation decisions shall also be adopted on the questions of organizing its activity.

#### **Article 72. Taking a Decision**

A decision of the Constitutional Court of the Russian Federation shall be taken in open voting by personal questioning of the judges. The chief judge shall in all cases be the last to vote.

A decision of the Constitutional Court of the Russian Federation shall be seen as adopted under the condition that the majority of the judges who have taken part in the voting have cast their votes in its favour, unless otherwise stipulated by the present Federal Constitutional Law.

If the number of votes cast in the adoption of a decision on the the constitutionality of a normative act, of an agreement between state power bodies or of an international treaty of the Russian Federation which has not come into force, has proved to be equal, the decision shall be seen as taken in favour of the constitutionality of the disputed act. A decision on disputes concerning competence shall in all cases be passed by majority vote.

A decision on the interpretation of the [Constitution](#) of the Russian Federation shall be taken by a majority of not less than two-thirds of the total number of judges.

A judge of the Constitutional Court of the Russian Federation shall have no right to abstain in voting or to avoid voting.

#### **Article 73. Handing Over of the Case by the Chamber of the Constitutional Court of the Russian Federation for Consideration in a Plenary Session**

If the majority of the judges taking part in a session of the chamber are inclined to believe that it is necessary to adopt a decision not corresponding to the legal position expressed in decisions passed earlier by the Constitutional Court of the Russian Federation, the case shall be handed over for consideration in a plenary session.

#### **Article 74. Demands Made on the Decisions**

The decisions of the Constitutional Court of the Russian Federation shall be based on the materials investigated by the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation shall take a decision on a case while assessing both the literal sense of the act under consideration and the meaning rendered to it by official and other interpretations, or by the existing law-application practice, as well as proceeding from the place it occupies in the system of legal acts.

The Constitutional Court of the Russian Federation shall pass decisions and shall rulings only on the subject mentioned in the application, and only with respect to that part of the act or of the competence of the body, whose constitutionality is questioned in the application. In adopting the decision, the Constitutional Court of the Russian Federation shall not be bound by the substantiations and the arguments put forth in the application.

The decisions and rulings of the Constitutional Court of the Russian Federation shall be formalized in the form of individual documents with an obligatory indication of the reasons for their adoption.

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

#### **Article 75. Statement of the Decision**

In the decision of the Constitutional Court of the Russian Federation, expounded in the form of a separate document, the following information shall be contained, depending on the character of the question under consideration:

- 1) the name of the decision, the date and place of its adoption;
- 2) the personal composition of the Constitutional Court of the Russian Federation which passed the decision;
- 3) the necessary data on the parties;
- 4) the formulation of the considered question, the reasons and the grounds for its consideration;
- 5) the norms of the [Constitution](#) of the Russian Federation and of the present Federal Constitutional Law, in conformity with which the Constitutional Court of the Russian Federation has the right to consider the given question;
- 6) the demands contained in the application;
- 7) the facts and the other circumstances established by the Constitutional Court of the Russian Federation;
- 8) the norms of the [Constitution](#) of the Russian Federation and of the present Federal Constitutional Law, on which the Constitutional Court of the Russian Federation relied in taking the

decision;

9) the arguments in favour of the decision passed by the Constitutional Court of the Russian Federation, and if necessary - also the arguments refuting the assertions of the parties;

10) the formulation of the decision;

11) an indication that the decision is final and obligatory;

12) the procedure for the decision to come into force, as well as the procedure, the time terms and the specifics of its execution and publication.

The concluding decision of the Constitutional Court of the Russian Federation shall be signed by all judges who have taken part in the voting.

#### **Article 76.** Special Opinion of the Judge

Federal Constitutional Law No. 4-FKZ of December 15, 2001 amended part 1 of Article 76 of this Federal Constitutional Law

The amendments shall enter into force on the expiration of ten days as of the date of the official publication of the said Law

See the previous wording of the Item

A judge of the Constitutional Court of the Russian Federation who does not agree with the decision of the Constitutional Court of the Russian Federation, shall have the right to expound his special opinion in writing. The judge's special opinion shall be attached to the case materials and shall be published in the "Vestnik Konstitutsionnogo Suda Rossiyskoy Federatsii" alongside the decision of the Constitutional Court of the Russian Federation.

A judge of the Constitutional Court of the Russian Federation who voted for the adopted decision or the conclusion on the merits of the question considered by the Constitutional Court of the Russian Federation but who was in the minority when voting on any other question or on the motives behind the adopted decision, shall have the right to expound in writing his opinion on his disagreement with the majority of the judges. In this case, the judge's written disagreement shall also be attached to the case materials and shall be subject to publication in the Bulletin of the Constitutional Court of the Russian Federation.

#### **Article 77.** Declaration of the Decision

The decision of the Constitutional Court of the Russian Federation shall be declared in full in an open session of the Constitutional Court of the Russian Federation immediately after it is signed.

The decisions and conclusions of the Constitutional Court of the Russian Federation shall be forwarded, not later than in two-weeks from the day of their being signed, 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 and the Authorized Human Rights Representative;

- the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation, the Procurator - General of the Russian Federation and the Minister of Justice of the Russian Federation.

The decisions of the Constitutional Court of the Russian Federation may also be sent to other state bodies and organizations, to public associations, to official persons and to citizens.

#### **Article 78.** Publication of the Decision

The decisions and conclusions of the Constitutional Court of the Russian Federation shall be published without delay in the official publications of the state power bodies of the Russian Federation and of the subjects of the Russian Federation, whom the adopted decision concerns. The decisions of the Constitutional Court of the Russian Federation shall also be published in the Bulletin of the Constitutional Court of the Russian Federation and, if necessary, in the other publications as well.

## **Article 79.** Legal Force of the Decision

*An interpretation of the first paragraph of the present Article is supplied in [Ruling of the Constitutional Court of the Russian Federation No. 6-O of January 13, 2000](#)*

A decision of the Constitutional Court of the Russian Federation shall be seen as final, shall not be subject to appeal and shall come into force immediately after its declaration.

A decision of the Constitutional Court of the Russian Federation shall operate directly and shall not require any confirmation by other bodies or official persons. The legal force of a decision of the Constitutional Court of the Russian Federation on recognizing an act as unconstitutional cannot be overcome by repeated adoption of the same act.

The acts or their individual provisions, recognized as unconstitutional, shall lose power; the international treaties of the Russian Federation, which have not come into force and which are recognized as not corresponding to the [Constitution](#) of the Russian Federation, shall not be put into operation and shall not be applied. Decisions of the courts and of other bodies based on acts recognized as unconstitutional, shall not be subject to execution and shall be revised in the cases established by Federal Law.

*See also the [Ruling of the Constitutional Court of the Russian Federation of January 14, 1999](#)*

*[Federal Constitutional Law No. 4-FKZ of December 15, 2001](#) reworded part 4 of Article 79 of this Federal Constitutional Law*

*The amendments [shall enter into force](#) on the expiration of ten days as of the date of the official publication of the said Law*

*[See the previous wording of the part](#)*

Where the Constitutional Court of the Russian Federation in a decision thereof finds a normative act as not complying with the [Constitution](#) of the Russian Federation wholly or partly, or where it follows from a decision of the Constitutional Court of the Russian Federation that it is necessary to cover a gap in legal regulation, the state body or the official, who have adopted this normative act, shall consider the question about adopting a new normative act which should contain especially provisions about the reversal of the normative act found as not wholly complying with the Constitution of the Russian Federation, or about introduction of necessary amendments and (or) additions to the normative act found as unconstitutional in some part thereof. Pending the adoption of a new normative act the, Constitution of the Russian Federation shall directly apply.

*[Federal Constitutional Law No. 4-FKZ of December 15, 2001](#) reworded Article 80 of this Federal Constitutional Law*

*The amendments [shall enter into force](#) on the expiration of ten days as of the date of the official publication of the said Law*

*[See the previous wording of the Article](#)*

## **Article 80.** Obligation of State Bodies and Officials to Bring Laws and Other Normative Acts in Accord with the Constitution of the Russian Federation in Connection with a Decision of the Constitutional Court of the Russian Federation

Where a normative act is found by the Constitutional Court of the Russian Federation in a decision thereof as not complying with the Constitution of the Russian Federation wholly or partly, or it follows from a decision of the Constitutional Court of the Russian Federation that it is necessary to cover a gap in legal regulation:

1) the Government of the Russian Federation in three months at latest after publication of a decision of the Constitutional Court of the Russian Federation shall introduce to the State Duma a new draft federal constitutional law, or a draft federal law, or a number of interrelated draft laws, or a draft law on the introduction of amendments and (or) additions to the law found as unconstitutional in some part thereof. Said draft laws shall be considered by the State Duma out of turn;



2) The President of the Russian Federation and the Government of the Russian Federation in two months at latest after publication of the decision of the Constitutional Court of the Russian Federation shall reverse the normative act of the President of the Russian Federation or the Government of the Russian Federation respectively, and shall adopt a new normative act or shall introduce amendments and (or) additions to the normative act found as unconstitutional in some part thereof;

3) the legislative (representative) body of state power of a subject of the Russian Federation within six months after publication of the decision of the Constitutional Court of the Russian Federation shall introduce necessary amendments to the constitution (statutes) of the subject of the Russian Federation, shall reverse the law of the subject of the Russian Federation found as unconstitutional, shall adopt a new law of the subject of the Russian Federation or a number of interrelated laws, or shall introduce amendments and (or) additions to the law of the subject of the Russian Federation found as unconstitutional in some part thereof. The top-ranking official of the subject of the Russian Federation (the head of the supreme executive body of state power of the subject of the Russian Federation) shall introduce the appropriate draft law to the legislative (representative) body of state power of the subject of the Russian Federation in two month at latest after publication of the decision of the Constitutional Court of the Russian Federation. Where, on the expiration of six months after publication of the decisions of the Constitutional Court of the Russian Federation, the legislative (representative) body of state power of the subject of the Russian Federation does not take the measures provided for by this Item in connection with the decision of the Constitutional Court of the Russian Federation the mechanism of liability stipulated by the federal laws shall apply;

4) the top-ranking official of the subject of the Russian Federation (the head of the supreme executive body of state power of the subject of the Russian Federation), in two months at latest after publication of the decision of the Constitutional Court of the Russian Federation, shall reverse the normative act found to be unconstitutional, shall adopt a new normative act or shall introduce amendments and (or) additions to the normative act found to be unconstitutional in some part thereof. Where, on the expiry of two months after publication of the decision of the Constitutional Court of the Russian Federation, the top-ranking official of the supreme executive body of state power of the subject of the Russian Federation) shall not take the measures provided for by this Item in connection with the decision of the Constitutional Court of the Russian Federation, the mechanism of liability stipulated by the federal laws shall apply;

5) federal bodies of state power and bodies of state power of subjects of the Russian Federation that have made a treaty between federal bodies of state power and bodies of state power of subjects of the Russian Federation , or a treaty between bodies of state power of subjects of the Russian Federation, which have been found to be unconstitutional wholly or partly, in two months at latest after publication of the decision of the Constitutional Court of the Russian Federation either shall introduce amendments and (or) additions to an appropriate treaty or shall terminate the treaty.

#### **Article 81.** Consequences of Non-Execution of a Decision

The non-execution, improper execution or interference with the execution of a decision of the Constitutional Court of the Russian Federation shall entail the consequences stipulated by Federal Law.

#### **Article 82.** Correction of Inaccuracies in the Decision

After declaring the decision, the Constitutional Court of the Russian Federation may correct inaccuracies in names and designations, misprints and manifest editorial and technical errors occurring in it, and shall pass a ruling to this effect.

#### **Article 83.** Explanation of a Decision

A decision of the Constitutional Court of the Russian Federation may be officially explained only by the Constitutional Court of the Russian Federation itself in a plenary session or in a session of the chamber which adopted the given decision, at the petition of bodies and persons possessing the right



to turn to the Constitutional Court of the Russian Federation, and of other bodies and persons to whom it was forwarded.

The question about an explanation of the decision of the Constitutional Court of the Russian Federation shall be considered in the plenary session or in the session of the chamber which passed this decision, with the participation of the body or person who filed the petition. To the session shall also be invited the bodies and persons appearing as parties in the considered case.

A ruling shall be passed on the explanation of the decision of the Constitutional Court of the Russian Federation, expounded in the form of a separate document to be printed in those publications where the decision itself was published.

### **Section Three. Specifics of the Procedure in the Constitutional Court of the Russian Federation on Individual Categories of Cases**

#### **Chapter IX. Consideration of Cases on the Correspondence to the Constitution of the Russian Federation of the Normative Acts of State Power Bodies and of the Agreements Concluded Between Them**

##### **Article 84. Right to Turn to the Constitutional Court of the Russian Federation**

The right to turn to the Constitutional Court of the Russian Federation with an inquiry on the constitutionality of the normative acts of state power bodies and of agreements concluded between them, mentioned in [Article 125](#) (Part Two) of the Constitution of the Russian Federation, shall be possessed by the President of the Russian Federation, by the Federation Council, the State Duma, a fifth of the members (of the Deputies) of the Federation Council or of the Deputies of the State Duma, by the Government of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation and the legislative and executive bodies of the subjects of the Russian Federation.

##### **Article 85. Admissibility of an Inquiry**

An inquiry directed to the Constitutional Court of the Russian Federation on the constitutionality of a normative act of a state power body or of an agreement signed between state power bodies, or of their individual provisions, shall be admissible if the applicant believes that they are not subject to operation because of their unconstitutionality, or are subject to operation despite an officially adopted decision of the federal state power bodies, of the higher state bodies of the subjects of the Russian Federation or of official persons thereof on the refusal to apply and execute them as those not corresponding to the Constitution of the Russian Federation.

An inquiry on the constitutionality of a normative act of a subject of the Russian Federation shall be admissible, if the normative act is issued on a question referred to the jurisdiction of the state power bodies of the Russian Federation or to the joint jurisdiction of the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation.

##### **Article 86. Limits of the Check**

The Constitutional Court of the Russian Federation shall establish correspondence to the Constitution of the Russian Federation of the normative acts of state power bodies and of agreements between them:

- 1) by the content of the norms;
- 2) by the form of the normative act or agreement;
- 3) by the procedure for signing, conclusion, adoption, publication or putting into operation;
- 4) from the point of view of the division of state power into legislative, executive and judicial, established by the [Constitution](#) of the Russian Federation;
- 5) from the point of view of the demarcation of the competence between federal state power bodies, established by the [Constitution](#) of the Russian Federation;
- 6) from the point of view of the demarcation of the objects of jurisdiction and of powers between

the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation, established by the Constitution of the Russian Federation by the [Federative Agreement](#) and by other agreements on the demarcation of objects of jurisdiction and powers.

Checking the constitutionality of the normative acts of the state power bodies and of agreements between them, adopted before the Constitution of the Russian Federation was put into force, shall be effected by the Constitutional Court of the Russian Federation only by the content of the norms.

[Federal Constitutional Law No. 4-FKZ of December 15, 2001 amended Article 87 of this Federal Constitutional Law](#)

[The amendments shall enter into force on the expiration of ten days as of the date of the official publication of the said Law](#)

[See the previous wording of the Article](#)

#### **Article 87. Concluding Decision on the Case**

According to the results of consideration of the case on checking the constitutionality of a normative act of a state power body or of an agreement between state power bodies, the Constitutional Court of the Russian Federation shall adopt one of the following decisions:

1) on recognizing the normative act or agreement, or the individual provisions thereof, as corresponding to the [Constitution](#) of the Russian Federation;

2) on recognizing the normative act or agreement, or the separate provisions thereof, as not corresponding to the [Constitution](#) of the Russian Federation.

Finding a federal law, or a normative act of the President of the Russian Federation, or a normative act of the Government of the Russian Federation, or a treaty or individual provisions thereof as not complying with the [Constitution](#) of the Russian Federation shall be a reason for the reversal in the established procedure of the provisions of other normative acts or treaties based on the normative act or the treaty found to be unconstitutional wholly or partly, or reproducing them, or containing the same provisions which have been found to be unconstitutional.

[See also the Ruling of the Constitutional Court of the Russian Federation No. 65-O of January 19, 2001](#)

Finding a normative act of a subject of the Russian Federation, or a treaty of a subject of the Russian Federation, or individual provisions thereof, as not complying with the Constitution of the Russian Federation shall be a reason for the reversal in the established procedure by bodies of state power of other subjects of the Russian Federation the provisions of the normative acts adopted by them, or treaties made which contain the same provisions which have been found to be unconstitutional.

The provisions of the normative acts or the treaties indicated in Parts Two and Three of this Article may not be applied by courts, as well as by other bodies and officials.

Where a normative act similar to that which has been found to be unconstitutional is not reversed or amended within six months after publication of the decision of the Constitutional Court of the Russian Federation, and the treaty similar to that which has been found to be unconstitutional is not terminated wholly or partly, a state body or official authorized to do it by the federal law shall make a protest or shall lodge a claim with court for regarding such normative act as ineffective.

### **Chapter X. Consideration of Cases on the Correspondence to the Constitution of the Russian Federation of International Treaties of the Russian Federation Which Have Not Come into Force**

#### **Article 88. Right to Turn to the Constitutional Court of the Russian Federation**

The right to turn to the Constitutional Court of the Russian Federation with an inquiry on the constitutionality of an international treaty of the Russian Federation which has not come into force, shall be possessed by the President of the Russian Federation, by the Federation Council, the State

Duma, by one-fifth of the members (of the Deputies) of the Federation Council or of the Deputies of the State Duma, by the Government of the Russian Federation, by the Supreme Court of the Russian Federation and the Higher Arbitration Court of the Russian Federation, and by the legislative and executive power bodies of the subjects of the Russian Federation.

#### **Article 89.** Admissibility of an Inquiry

An inquiry on the constitutionality of an international treaty of the Russian Federation which has not come into force, shall be admissible, if:

1) the international treaty of the Russian Federation mentioned in the inquiry is, in conformity with the [Constitution](#) of the Russian Federation and with the Federal Law, subject to ratification by the State Duma or to approval by another federal state power body;

2) the applicant thinks that an international treaty of the Russian Federation, which has not come into force, is not subject to being put into operation and being applied in the Russian Federation on account of its non-correspondence to the [Constitution](#) of the Russian Federation.

#### **Article 90.** Limits of the Check

The limits for checking by the Constitutional Court of the Russian Federation of the correspondence to the [Constitution](#) of the Russian Federation of an international treaty of the Russian Federation, which has not come into force, shall be laid down by [Article 86](#) of this Federal Constitutional Law.

#### **Article 91.** Concluding Decision on the Case

According to the results of consideration of the case on checking the constitutionality of an international treaty of the Russian Federation, which has not come into force, the Constitutional Court of the Russian Federation shall adopt one of the following decisions:

1) on recognizing the international treaty of the Russian Federation, which has not come into force, or its individual provisions as corresponding to the [Constitution](#) of the Russian Federation;

2) on recognizing the international treaty of the Russian Federation, which has not come into force, or its individual provisions as not corresponding to the Constitution of the Russian Federation.

As from the moment of declaring the decision of the Constitutional Court of the Russian Federation on recognizing as not corresponding to the [Constitution](#) of the Russian Federation an international treaty of the Russian Federation or its individual provisions, the international treaty shall not be subject to being put into operation and to application, that is, it cannot be ratified or approved, and cannot come into force for the Russian Federation in any other way.

### **Chapter XI. Consideration of Cases on the Disputes about Competence**

#### **Article 92.** Right to Turn to the Constitutional Court of the Russian Federation

The right to turn to the Constitutional Court of the Russian Federation with a petition for resolving a dispute on competence shall be possessed by any of the state power bodies participating in the dispute, mentioned in [Article 125](#) (part three) of the Constitution of the Russian Federation, and also to the President of the Russian Federation - in the case envisaged in [Article 85](#) (part one) of the Constitution of the Russian Federation.

#### **Article 93.** Admissibility of the Petition

A petition from the state power body (bodies) shall be seen as admissible, if:

1) the competence under dispute is to be defined by the [Constitution](#) of the Russian Federation;

2) the dispute is not concerned with the question of whether the case is within the sphere of jurisdiction of particular courts, or whether it shall be tried in court;

3) the dispute has not been and cannot be resolved in another way;

4) the applicant thinks that the issue of the act or the committing of an action of a legal nature, or avoidance of the issue of the act or of committing such action is a violation of the demarcation of the

competence between state power bodies, established by the [Constitution](#) of the Russian Federation;

5) the applicant has earlier turned to the state power bodies, mentioned in [Article 125](#) (the third part) of the Constitution of the Russian Federation, with a written application on their violation of the applicant's competence, defined by the Constitution of the Russian Federation, or on these bodies avoiding the discharge of a duty included in their competence;

6) the violations pointed out in the written application, mentioned in Item 5 of the present article, have not been eliminated within a month from the day of receiving it;

7) if the corresponding state power body has turned to the President of the Russian Federation with a request for the use of conciliatory procedures, envisaged in [Article 85](#) of the Constitution of the Russian Federation, but the President of the Russian Federation has not made use of these conciliatory procedures within a month from the day of filing the request, or if such procedures have not resulted in the resolution of the dispute.

The petition of the President of the Russian Federation, submitted by way of application of [Article 85](#) (part one) of the Constitution of the Russian Federation, shall be seen as admissible, if:

1) the President of the Russian Federation has used conciliatory procedures for resolving the differences between the state power bodies;

2) the differences between the state power bodies are in fact a dispute on the competence, placed within the jurisdiction of the Constitutional Court of the Russian Federation.

#### **Article 94. Limits of the Check**

The Constitutional Court of the Russian Federation shall consider disputes on competence exclusively from the point of view of the division of state power into legislative, executive and judicial, and of the demarcation of the competence between the federal state power bodies, as well as from the point of view of the demarcation of objects of jurisdiction and of powers between the state power bodies of the Russian Federation and the state power bodies of the subjects of the Russian Federation, and also between the higher state bodies of the subjects of the Russian Federation, laid down by the [Constitution](#) of the Russian Federation and by the [Federative Agreement](#) and by the other agreements on the demarcation of objects of jurisdiction and of powers.

Consideration of a case on the correspondence of a normative act, which is the object of a dispute on competence, to the [Constitution](#) of the Russian Federation by the content of the norms, the form, the procedure of its signing, adoption, publication or entry into operation, shall be possible only on the ground of a separate inquiry and in conformity with the procedure for considering cases on the constitutionality of normative acts.

#### **Article 95. Concluding Decision on the Case**

According to the results of considering a dispute on competence the Constitutional Court of the Russian Federation shall take one of the following decisions:

1) confirming the legal right of the corresponding state power body to issue the act or to commit the legal action, which served as the reason for the dispute on competence;

2) negating the legal right of the corresponding state power body to issue the act or to commit the legal action, which served as the reason for the dispute on competence.

If the Constitutional Court of the Russian Federation recognizes the issue of an act as not within the competence of the state power body that issued it, the act shall lose force as from the day named in the decision.

### **Chapter XII. Consideration of Cases on the Constitutionality of Laws at Complaints Against Violation of the Constitutional Laws and of the Citizens' Rights and Freedoms**

*On filing appeals against Articles 96 and 97 of this Law, see the [Ruling](#) of the Constitutional Court of the Russian Federation of December 21, 1998*

#### **Article 96. Right to File an Application with the Constitutional Court of the**

## Russian Federation

The right to turn to the Constitutional Court of the Russian Federation with an individual or collective complaint against the violation of constitutional rights and freedoms, shall be possessed by the citizens, whose rights and freedoms are violated by the law which is applied or is subject to application in the concrete case, as well as by associations of citizens and the other bodies and persons indicated in Federal Law.

Besides the documents enumerated in [Article 38](#) of the present Federal Constitutional Law, to the complaint shall be attached a copy of the official document confirming the application or the possibility of application of the law, against which the complaint is lodged, in resolving the concrete case. A copy of such document shall be issued to the applicant at his demand by the official person or by the body engaged in consideration of the case.

### **Article 97.** Admissibility of the Complaint

Lodging a complaint against the violation by the law of the constitutional rights and freedoms shall be admissible, if:

- 1) the law infringes upon citizens' constitutional rights and freedoms;
- 2) the law is applied or is subject to application in the concrete case, whose consideration is completed or started in the court or in another body applying the law.

### **Article 98.** Consequences of Accepting a Complaint for Consideration

The Constitutional Court of the Russian Federation, having accepted a complaint against the violation by the law of citizens' constitutional rights and freedoms, shall notify to this effect the court or the other body considering the case, where the law against which the complaint is lodged is applied or is subject to application. The notification shall not entail the suspension of this case.

The court or the other body engaged in considering the case, where the law against which the complaint is lodged is applied or is subject to application, shall have the right to suspend the procedure until the Constitutional Court of the Russian Federation adopts a decision.

### **Article 99.** Limits of the Check

The limits of the check by the Constitutional Court of the Russian Federation of the correspondence of the law, named in the complaint against the violation of citizens' constitutional rights and freedoms, to the Constitution of the Russian Federation, shall be established by [Article 86](#) of the present Federal Constitutional Law.

### **Article 100.** Concluding Decision on the Case

According to the results of considering the complaint against the violation by the law of the constitutional rights and freedoms of citizens, the Constitutional Court of the Russian Federation shall take one of the following decisions:

- 1) on recognizing the law or its individual provisions as corresponding to the [Constitution](#) of the Russian Federation;
- 2) on recognizing the law or its individual provisions as not corresponding to the [Constitution](#) of the Russian Federation.

*On appealing against the second part of Article 100 of the present Federal Law, see the [Ruling of the Constitutional Court of the Russian Federation of January 14, 1999](#)*

If the Constitutional Court of the Russian Federation has recognized the law, applied in the concrete case, as not corresponding to the Constitution of the Russian Federation, the given case shall in any case be subject to revision by the competent body in the general order.

If the law or its individual provisions are recognized as not corresponding to the [Constitution](#) of the Russian Federation, the court expenses of the citizens and of their associations shall be subject to recompense in the established order.

## **Chapter XIII. Consideration of Cases on the**



## **Constitutionality of Laws at Inquiries from Courts**

### **Article 101.** Turning to the Constitutional Court of the Russian Federation

When considering a case at any instance, a court, having arrived at the conclusion on the non-correspondence to the [Constitution](#) of the Russian Federation of the law applied or subject to application in the said case, shall turn to the Constitutional Court of the Russian Federation with an inquiry on the constitutionality of the given law.

### **Article 102.** Admissibility of an Inquiry

An inquiry from a court shall be seen as admissible, if the law is applied or, in the court's opinion, is subject to application in the concrete case under its consideration.

### **Article 103.** Consequences of Making an Inquiry

In the period from the moment when the court adopted the decision on turning to the Constitutional Court of the Russian Federation and until the Constitutional Court of the Russian Federation adopts its own decision, the court procedure on the case, or the execution of the decision passed by the court on the case, shall be suspended.

### **Article 104.** Limits of the Check and Kinds of Concluding Decisions

The limits of the check by the Constitutional Court of the Russian Federation of the correspondence of the law, disputed in the inquiry, and the kinds of the concluding decisions on the given case, shall be established by [Articles 86](#) and [100](#) of the present Federal Constitutional Law.

## **Chapter XIV. Consideration of Cases on the Interpretation of the Constitution of the Russian Federation**

### **Article 105.** Right to Turn to the Constitutional Court of the Russian Federation

The right to turn to the Constitutional Court of the Russian Federation with an inquiry on the interpretation of the [Constitution](#) of the Russian Federation shall be possessed by the President of the Russian Federation, by the Federation Council, the State Duma, the Government of the Russian Federation and the legislative power bodies of the subjects of the Russian Federation.

### **Article 106.** Obligatory Nature of the Interpretation of the Constitution of the Russian Federation

The interpretation of the [Constitution](#) of the Russian Federation, given by the Constitutional Court of the Russian Federation, shall be seen as official and obligatory for all the representative, executive and judicial bodies of the state power, for local self-government bodies, enterprises, institutions and organizations, for official persons and for citizens and their associations.

## **Chapter XV. Consideration of Cases on Giving the Conclusion on the Observation of the Established Order for Bringing an Accusation of High Treason or of Committing Another Grave Crime Against the President of the Russian Federation**

### **Article 107.** Application to the Constitutional Court of the Russian Federation

An application with an inquiry about the the observation of the established procedure in bringing against the President of the Russian Federation an accusation of high treason or of committing another grave crime, shall be forwarded to the Constitutional Court of the Russian Federation by the Federation Council.

### **Article 108.** Admissibility of the Inquiry

The inquiry made to the Constitutional Court of the Russian Federation about the observation of

the established procedure in bringing against the President of the Russian Federation an accusation of high treason or of committing another grave crime shall be admissible, if the accusation is made by the State Duma and if there is a conclusion of the Supreme Court of the Russian Federation on the existence in the actions of the President of the Russian Federation of the signs of the corresponding crime.

**Article 109.** Procedure for Forwarding the Inquiry and for the Issue of the Conclusion

The inquiry about the the observation of the established procedure for bringing an accusation of high treason or of committing another grave crime against the President of the Russian Federation shall be directed to the Constitutional Court of the Russian Federation not later than in a month from the day when the State Duma adopted the decision on bringing the accusation. To the inquiry shall be attached the text of the decision of the State Duma on making the accusation, the protocol or the verbatim report of the debates on this question in the State Duma session and the texts of all the documents related to these debates, as well as the texts of the conclusion of the Supreme Court of the Russian Federation.

A conclusion shall be given by the Constitutional Court of the Russian Federation not later than in ten days after the registration of the inquiry.

**Article 110.** Conclusion on the Observation of the Established Procedure for Bringing Federation an Accusation of High Treason or of Committing Another Grave Crime Against the President of the Russian

According to the results of the consideration of the case, the Constitutional Court of the Russian Federation shall give one of the following conclusions:

- 1) that the established procedure for making the accusation is observed;
- 2) that the established procedure for making the accusation is not observed.

If the Constitutional Court of the Russian Federation adopts a decision on the non-observation of the established procedure for bringing an accusation of high treason or of committing another grave crime against the President of the Russian Federation, the consideration of the accusation, stipulated by the [Constitution](#) of the Russian Federation, shall be stopped.

#### **Section Four. Final Provisions**

**Article 111.** Apparatus of the Constitutional Court of the Russian Federation

The activity of the Constitutional Court of the Russian Federation shall be provided for by an apparatus, consisting of 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 for the Constitutional Court of the Russian Federation in organizational, scientific and analytical, informational-reference and other terms; it shall conduct the reception of visitors; preliminarily consider the applications addressed to the Constitutional Court of the Russian Federation and consider if cases do not concern questions requiring study by the judges of the Constitutional Court of the Russian Federation; assist the judges in the preparation of cases and of other questions for consideration in the sessions and in the conferences; study and evaluate the activity of the state bodies involved in guaranteeing the execution of decisions of the Constitutional Court of the Russian Federation. The other subdivisions of the apparatus shall be engaged in providing for the material-technical and social and everyday needs of the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation shall establish, in its estimate of its requirement, the number, structure and manning table of the apparatus; and approve the Regulations on the Secretariat of the Constitutional Court of the Russian Federation.

The rights, duties and responsibilities of the workers of the apparatus of the Constitutional Court of the Russian Federation, as well as the terms for their performance shall be determined by the laws and other normative acts on federal state service, by the normative acts on the legal position of the

workers of courts, and by the labour legislation of the Russian Federation.

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

The Bulletin of the Constitutional Court of the Russian Federation shall be seen as 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 possess its own seal with the depiction of the State Emblem of the Russian Federation and with its own name.

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

Over the building, occupied by the Constitutional Court of the Russian Federation, shall be raised the State Flag of the Russian Federation.

In the court room of the Constitutional Court of the Russian Federation shall be displayed an image of the State Emblem of the Russian Federation and the State Flag of the Russian Federation.

In the official premises of a Judge of the Constitutional Court of the Russian Federation there shall be installed the State Flag of the Russian Federation.

The judges of the Constitutional Court of the Russian Federation shall sit in sessions clad in judge's gowns.

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

Moscow, the capital city of the Russian Federation, shall be seen as the permanent seat of the Constitutional Court of the Russian Federation.

The sessions of the Constitutional Court of the Russian Federation shall be held at its permanent location. When it finds it necessary, the Constitutional Court of the Russian Federation may also hold its session in a different place.

### **Section Five. Transitional Provisions**

1. Applications lodged with the Constitutional Court of the Russian Federation before the [Constitution](#) of the Russian Federation came into force, shall be considered and resolved by the Constitutional Court of the Russian Federation within the boundaries of its powers established by [Article 125](#) of the Constitution of the Russian Federation.

2. The full composition of the Constitutional Court of the Russian Federation shall be formed not later than in thirty days after the present Federal Constitutional Law comes into force.

3. After the formation of its full composition is completed, the Constitutional Court of the Russian Federation shall elect the Chairman, the Deputy Chairman and the Judge-Secretary, and shall also allocate the personnel composition of the chambers of the Constitutional Court of the Russian Federation.

4. Judges of the Constitutional Court of the Russian Federation, elected before the Constitution of the Russian Federation came into force, shall retain their powers in conformity with Item 5 of [Section Two](#) of the Constitution of the Russian Federation, until expiry of the term for which they were elected.

*[Federal Constitutional Law No. 1-FKZ of February 8, 2001](#) has extended Item 4 of Section Five of the present Federal Constitutional Law with a paragraph as follows:*

The provision of the first part of [Article 12](#) of the present Federal Constitutional Law shall be extended to all operating judges of the Constitutional Court of the Russian Federation, appointed to the post by the Federation Council.

5. The material guarantees for the independence of the Constitutional Court of the Russian Federation and of its judges, established before the present Federal Constitutional Law came into

force, shall be retained.

### **Section Six. Coming into Force of the Present Federal Constitutional Law**

1. The present Federal Constitutional Law shall come into force as from the day of its official publication.

2. The Law of the RSFSR of July 12, 1991, on the Constitutional Court of the RSFSR (Vedomosti S' ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR , No. 30, 1991, item 1017) shall be recognized as having lost force from the day of putting into effect the present Federal Constitutional Law.

President of the Russian Federation

B. Yeltsin

Moscow, the Kremlin  
on July 21, 1994  
No. 1-FKZ