C. The Constitutional Court of the Russian Federation

1. Jurisdiction of the Court

The Constitutional Court of the Russian Federation currently operates on the basis of a federal constitutional law passed in July of 1994.[13] The Court has jurisdiction over only four types of cases:[14]

1. Cases concerning the constitutionality of federal laws and normative acts issued by the President, Government of the Russian Federation, Federation Council and State Duma; the constitutions and charters of the constituent units ("subjects") of the Russian Federation, and laws and normative acts of those units issued on matters in the joint control of the Federation and its subjects or in an area of jurisdiction belonging to the Federation; treaties and agreements between the

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[13] Federal Constitutional Law of the Russian Federation "On the Constitutional Court of the Russian Federation," Sobranie Zakonodatel'stva RF, 1994, No. 13, Item 1447. A full English translation of the law can be found in the journal STATUTES & DECISIONS: THE LAWS OF THE USSR AND ITS SUCCESSOR STATES, Vol. 31, No.4 (July-August 1995) (S.J. Reynolds, ed.).

[14] See Article 3 of the Law "On the Constitutional Court." In addition to jurisdiction over the types of cases discussed in the text, the Court has the right of legislative initiative (i.e. to submit legislation directly) concerning questions within its jurisdiction, and is responsible for issuing a conclusion concerning whether established procedure has been complied with where a charge of state treason or another serious crime is made against the President (relating to the procedure for impeachment). The Court can also be delegated additional powers by the Constitution (presumably through amendment), the Federation Treaty, or federal constitutional laws.

Federation and its constituent parts and among the subjects of the Federation; and international treaties of the Russian Federation that have not entered into force;

2. Cases concerning a dispute about competences between federal bodies, between a federal body and a subject of the Federation, and between the highest bodies of state power of the subjects of the Federation;

3. Cases concerning a request for an interpretation of the Constitution of the Russian Federation; and

4. Cases concerning verification of the constitutionality of a law applied or subject to application in a specific case.

2. Standing to Submit a Complaint

Each of the types of cases, and in some cases sub-types, is governed by particular rules concerning standing and procedures. With respect to the first, second and third types of cases, standing to petition the Court is limited to a specified set of state bodies and officials only.[15] ***The only cases in which private parties have standing to petition the Constitutional Court are those concerning the violation of constitutional rights and freedoms by a law that has been applied or is subject to application in a specific case.*** Standing is limited to those whose rights have been or will be infringed, and the petitioners must submit documentary proof that the law being challenged has been applied or is subject to application with respect to them.[16] Legal entities, including those commonly formed for the purpose of business dealings such as stock companies, limited liability companies and partnerships, are considered to have constitutional rights[17] and to have standing to submit a petition of this type to the Constitutional Court.[18]

3. Relationship to Commercial Dispute Resolution

While the Constitutional Court is clearly not a forum for the general resolution of commercial disputes between parties, it does provide a forum for challenge of laws and other legal acts applicable to commercial matters which a petitioner believes are not

[15] These are defined by Articles 84, 88, 92, 101 and 105 of the Law on the Constitutional Court.
[16] Article 96 of the Law on the Constitutional Court. Such a document is to be issued by the court or other body applying the law at the request of those to whom it has been/will be applied.
[17] See the Decree of the Constitutional Court of the Russian Federation "In the Case Concerning the Verification of the Constitutionality of Points 2 and 3 of the First Part of Article 11 of the Law of the Russian Federation of June 24, 1993 "On Federal Bodies of the Tax Police," Sobranie Zakonodatel'stva RF, 1997, No. 1, Item 197 (the constitutional rights of the person and the citizen apply to legal persons to the extent that the rights, by their nature, may be applicable to them).
[18] See the Decree of the Constitutional Court of the Russian Federation, "Concerning the Case On the Verification of the Constitutionality of the first part of Article 2 of the Federal Law of March 7, 1996 "On the Introduction of Amendments into the Law of the Russian Federation "On Excise [Taxes],"" Sobranie Zakonodatel'stva RF, 1996, No. 45, Item 5202 (limited liability partnerships and limited liability society are associations of citizens within the meaning of the law on the constitutional court and can therefore properly submit a petition concerning the violation of their rights by the retroactive force of tax provisions).

constitutional. In recent years, the Constitutional Court has issued a number of important decisions on issues directly affecting commercial activity, including confiscation of property by customs authorities,[19] liability for late tax payments,[20] retroactivity of tax liabilities, [21] proper procedures for imposition of fines,[22] and other matters. The decisions of the Constitutional Court are binding upon the arbitrazh courts and courts of general jurisdiction, and on all other officials and bodies in the Russian Federation.