Approved by the Presidium
of the Supreme Court
of the Russian Federation
on 21 April 2020

Review of Certain Issues of Judicial Practice pertaining to Application of Legislation and Measures Aimed at Preventing the Spread of the Novel Coronavirus Infection (COVID-19) in the Russian Federation, No. 1

In response to the courts' questions regarding the application of legislative amendments and measures aimed at preventing the spread of the novel coronavirus infection (COVID-19) on the territory of the Russian Federation, in order to ensure uniform application of legislation, the Supreme Court of the Russian Federation, guided by Item 1 of Part 7 of Article 2 and Item 7 of Part 1 of Article 7 of Federal Constitutional Law No. 3 of 5 February 2014 "On the Supreme Court of the Russian Federation", deems it necessary to provide clarifications regarding the following issues.

I. Issues of Application of Procedural Legislation

Question 1: Do measures aimed at preventing the spread of the novel coronavirus infection (COVID-19) in the Russian Federation form grounds to postpone the trial, stay proceedings, or extend the period for consideration of the case?

Answer: Introduction, in accordance with Federal Law No. 68 of 21 December 1994 "On Protection of the Population and Territories against Natural and Human-Made Emergencies", of legal regimes that provide for restrictions on the free movement of citizens, their attendance of public places, official and other institutions involves the imposition of public-law duties upon citizens.

If it is impossible to consider a case due to introduction of said legal regimes, this may form grounds for postponing the trial by virtue of Article 169 of the Civil Procedure Code of the Russian Federation (hereinafter – CPC RF), Article 158 of the Commercial Procedure Code of the Russian Federation (hereinafter – ComPC RF), Article 152 of the Code of Administrative Judicial Procedure of the Russian

Federation (hereinafter – CAJP RF), Part 1 of Article 253 of the Criminal Procedure Code of the Russian Federation (hereinafter – CrPC RF).

In addition, if necessary, the court, the commercial court has the right to stay proceedings (Part 4 of Article 1, second paragraph of Article 216 of the CPC RF, Part 5 of Article 3, Item 4 of Article 144 of the ComPC RF, Part 4 of Article 2, paragraph 4 of Part 1 of Article 191 of the CAJP RF), if the persons participating in the case cannot attend the court session due to the restrictive measures aimed at preventing the spread of the novel coronavirus infection.

Where in a criminal case submitted to the court or under consideration of the court circumstances arise that make it impossible for the defendant to participate in the trial, the judge (the court) shall stay the proceedings (Article 238, Part 3 of Article 253 of the CrPC RF).

The complexity of consideration of the case in the context of spread of the novel coronavirus infection in the Russian Federation can form grounds for extending the period for consideration of the case by the court president, deputy court president, head of a panel of judges (Part 6 of Article 154 of the CPC RF, Article 141 of the CAJP RF), president of the commercial court (Part 2 of Article 152 of the ComPC RF).

At the same time, the question of the need to postpone the trial, stay the proceedings, or extend the period for the consideration of the case shall be resolved by the court (commercial court) considering the case on its own and with respect to each specific case, taking into account the need to comply with the time limits for the consideration of the case by the court of relevant instance and the reasonable time of proceedings (Article 6.1 of the CPC RF, Article 6.1 of the ComPC RF, Article 10 of the CAJP RF, Article 6.1 of the CrPC RF).

Taking into account the circumstances of the case, the opinions of the participants of proceedings and the conditions of the regime introduced in the constituent entity of the Russian Federation, the court has the right to independently decide whether to consider a case, which does not belong to the category of urgent ones, or not, during the period of restrictive measures aimed at preventing the spread of the novel coronavirus infection.

In addition, during the relevant period, the following are considered: cases considered in the manner of court order proceedings and simplified proceedings; cases where all

participants filed motions to consider the case in their absence, if their participation in the consideration of the case is not mandatory; appeals, prosecutor's appeals to be considered without a court session; issues for the consideration of which a court session is not required (for example, questions of correction of clerical, typographical or evident computation errors in a court decision).

The courts also need to take into account that upon a substantiated motion of a person participating in an administrative case regarding the urgent consideration and resolution of the administrative case, the court shall take the necessary measures for the immediate consideration of such an administrative case of any category, including an administrative case, the proceedings in which were stayed (Part 4 of Article 135 of the CAJP RF).

Question 2: What are the legal consequences of the fact that the last day of a procedural period falls on the day declared a non-working day by executive orders of the President of the Russian Federation No. 206 of 25 March 2020 and No. 239 of 2 April 2020?

Answer: According to Part 3 of Article 107 of the CPC RF, Part 3 of Article 113 of the ComPC RF, Part 2 of Article 92 of the CAJP RF, non-working days shall not be included into periods calculated in days, unless otherwise stipulated in said codes. In accordance with Part 2 of Article 108 of the CPC RF, Part 4 of Article 114 of the ComPC RF, Part 2 of Article 93 of the CAJP RF, if the last day of a procedural period falls on a non-working day, the period shall expire on the next working day.

By virtue of Part 2 of Article 128 of the CrPC RF, if the end of the period falls on a non-working day, the last day of the period shall be the first following working day, except for calculation of time periods of arrest, remand in custody, house arrest, prohibition of certain actions and placement into a healthcare organization providing inpatient medical care, or in a healthcare organization providing inpatient psychiatric care.

Executive orders of the President of the Russian Federation No. 206 of 25 March 2020 "On Declaration of Non-Working Days in the Russian Federation" and No. 239 of 2 April 2020 "On Measures to Ensure the Sanitary and Epidemiological Well-Being of the Population in the Russian Federation due to the Spread of the Novel Coronavirus Infection (COVID-19)" in terms of establishing non-working days do not apply to federal public authorities that are only required to determine the number of federal state servants to ensure the functioning of these bodies.

In connection with the foregoing, non-working days from 30 March to 30 April 2020 are included into the procedural periods and are not grounds for postponing the expiry date of the procedural periods to the working day following them.

Question 3: Does the rule established by Part 4 of Article 114 of the ComPC RF apply if the last day of the period to which the trial is postponed falls on a non-working day (including a day declared non-working in order to ensure the sanitary and epidemiological well-being of the population)?

Answer: In accordance with Part 4 of Article 114 of the ComPC RF, if the last day of a procedural period falls on a non-working day, the period shall expire on the first following working day.

If the last day of the period to which the trial is postponed falls on a non-working day (including one declared as such in order to ensure the sanitary and epidemiological well-being of the population), then, subject to Part 4 of Article 114 of the ComPC RF, such a period shall expire on the first following working day.

In order to exercise the right of persons participating in the case to access to fair trial, on the first working day, the commercial court shall extend the postponement of the trial with the appointment of a new court session in accordance with Part 1 of Article 118 of the ComPC RF and, by virtue of Part 9 of Article 158 of the ComPC RF, inform the persons participating in the case and other participants of commercial proceedings of the time and venue of the new court session in the manner stipulated and within the time limit stipulated in Chapter 12 of the ComPC RF.

Where necessary, the trial shall be postponed for a period exceeding the period established by provisions of Article 158 of the ComPC RF, subject to the existence of corresponding grounds, and the period for which the trial is postponed shall not be included into the time limit for the consideration of the case stipulated in Part 1 of Article 152 of the ComPC RF (Part 3 of Article 152 of the ComPC RF).

Question 4: Do restrictive measures introduced in the constituent entities of the Russian Federation in order to prevent the spread of the novel coronavirus infection (COVID-19) and (or) the compliance by a citizen with the self-isolation regime form grounds for the restoration of procedural periods?

Answer: The right to judicial protection of persons participating in the case who, due to external circumstances, were deprived of the ability to perform the necessary procedural action within the time limits established by law, is ensured by restoring the procedural periods (Article 112 of the CPC RF, Article 117 of the ComPC RF, Article 95 of the CAJP RF, Article 130 of the CrPC RF).

The valid reasons for missing a procedural period include both the circumstances related to the personality of the person concerned (serious illness, helpless state, illiteracy, etc.) and the circumstances that objectively prevent the person, who exercises procedural rights in good faith, from exercise of the right within the time limit established by law (Item 8 of Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 13 of 19 June 2012 "On Court Application of Provisions of Civil Procedural Legislation Regulating Proceedings in a Court of Appeal", Item 10 of Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 29 of 11 December 2012 "On Court Application of Provisions of Civil Procedural Legislation Regulating Proceedings in a Court of Cassation").

Thus, the time periods for performing procedural actions by persons participating in the case, missed due to the measures introduced to prevent the spread of the novel coronavirus infection (restriction of free movement of citizens, attendance of public places, official and other institutions, changes in the work of bodies and organizations), are subject to restoration in accordance with the procedural legislation.

II. Issues of Application of Civil Legislation

Question 5: What are the legal consequences of the fact that the last day of the deadline for performance of obligations or the statute of limitation period falls on the day declared a non-working day by executive orders of the President of the Russian Federation No. 206 of 25 March 2020 and No. 239 of 2 April 2020?

Answer: In accordance with Article 193 of the Civil Code of the Russian Federation (hereinafter – the CC RF), if the last day of the period falls on a non-working day, the period shall expire on the closest following working day. It should be taken into account that the rule of Article 193 of the CC RF may have exceptions when the terms and conditions of the obligation imply that it must be fulfilled on a weekend or on a certain day regardless of whether it is a working or non-working one.

The days declared non-working by executive orders of the President of the Russian Federation No. 206 of 25 March 2020 and No. 239 of 2 April 2020 are among the measures established to ensure the sanitary and epidemiological well-being of the population, aimed at preventing the spread of the novel coronavirus infection (COVID-19), and they cannot be deemed non-working days in the sense given to this concept by the CC RF, which refers to weekends and public holidays stipulated in Articles 111, 112 of the Labour Code of the Russian Federation.

Otherwise, it would mean suspending the performance of all civil obligations with no exception for a long period and significantly restricting civil transactions in general, which does not meet the goals of the above-mentioned executive orders of the President of the Russian Federation.

In addition, the establishment of non-working days in this case was not universal, but depended on various conditions (such as the area of business of the economic entity, its location and restrictive measures introduced in a specific constituent entity of the Russian Federation in connection with the announcement of the high alert regime). Besides that, additional restrictive measures concerning travel around the territory, determination of the range of business entities, whose activities are subject to suspension can be introduced at the level of the constituent entities of the Russian Federation (Item 2 of Presidential Executive Order No. 239 of 2 April 2020).

Similarly, in the current situation, it is necessary to take into account that in some cases there may be no obstacle to the performance of an obligation, and in some cases such performance is absolutely impossible on the days declared non-working by the executive orders of the President of the Russian Federation.

Taking into account the foregoing, if there are no other grounds for exemption from liability for non-performance of obligations (Article 401 of the CC RF), the establishment of non-working days during the period from 30 March to 30 April 2020 does not form grounds for postponing the deadline of performance of obligations based on the provisions of Article 193 of the CC RF.

If force majeure circumstances are established under the conditions of the spread of the novel coronavirus infection according to the rules of Item 3 of Article 401 of the CC RF, it is necessary to take into account that the occurrence of force majeure circumstances itself shall not terminate the obligation of the debtor, if it is possible to fulfil it after such circumstances cease to exist (Item 9 of Ruling of the Plenary

Session of the Supreme Court of the Russian Federation of 24 March 2016 No. 7 "On Court Application of Certain Provisions of the Civil Code of the Russian Federation regarding Liability for Breach of Obligations"). In this case, the debtor shall not be liable for the delay in the performance of the obligation arising as a result of force majeure, and of the right to reject a contract, if as a result of a delay that appeared due to the occurrence of force majeure circumstances the creditor lost interest in its performance. Herewith, the debtor shall not be liable before the creditor for the losses caused by the delay of fulfilment of obligations due to the occurrence of force majeure circumstances (Item 3 of Article 401, Item 2 of Article 405 of the CC RF).

If the creditor did not reject the contract, the debtor shall be obliged to fulfil the obligation within a reasonable period after force majeure circumstances cease to exist by virtue of Items 1, 2 of Article 314 of the CC RF.

The expiry date of the statute of limitation period should be determined in a similar way, unless there are grounds for its suspension, as stipulated in Article 202 of the CC RF.

Question 6: Is it possible to restore the statute of limitation period (Article 205 of the CC RF) or suspend it (Item 1 of Article 202 of the CC RF) in connection with the restrictions and (or) self-isolation measures introduced?

Answer: The provisions of Articles 196 and 197 of the CC RF establish general and special statute of limitation periods.

The grounds for suspension of the statute of limitation period are regulated by Article 202 of the CC RF, Item 1 of which stipulates that the statute of limitation period shall be suspended, if an extreme and unpreventable circumstance (force majeure) prevented the filing of a claim.

The statute of limitation period shall be suspended provided that said circumstances arose or continued to exist during the last six months of the statute of limitation period or during the statute of limitation period, where this period is equal to six months or shorter than six months (Item 2 of Article 202 of the CC RF). Accordingly, if there are more than six months left before the expiration of the statute of limitation period, the force majeure circumstance shall not suspend it. Force majeure shall form grounds for suspension of the statute of limitation period in case it persists up to the time specified in Item 2 of Article 202 of the CC RF (six months before expiry).

The statute of limitation period shall continue from the date of cessation of the force majeure. The remaining part of the statute of limitation period, if it is shorter than six months, shall be extended to six months, and it shall be extended to the statute of limitation period if this period is six months or shorter than six months (Item 4 of Article 202 of the CC RF).

The criteria under which a particular circumstance can be recognized as force majeure are established by Article 401 of the CC RF, clarifications on the application of which are given by the Supreme Court of the Russian Federation in Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 24 March 2016 No. 7 "On Court Application of Certain Provisions of the Civil Code of the Russian Federation regarding Liability for Breach of Obligations".

The statute of limitations applies only at the request of the parties to the dispute (Item 2 of Article 199 of the CC RF) or third parties, if, where the claim against the defendant is satisfied, the latter may recourse against third parties or claim compensation for damages (Item 10 of Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 43 of 29 September 2015 "On Certain Issues Related to Application of Provisions of the Civil Code of the Russian Federation on the Statute of Limitations").

The burden to prove the existence of circumstances indicating the suspension of the statute of limitation period shall be borne by the person that filed the claim (Item 12 of said Ruling).

Thus, questions related to the attribution of certain circumstances to force majeure are subject to investigation by the court only if there is a plea by the defendant or a third party and objections of the plaintiff, who provides evidence of existence of such extreme and unpreventable circumstances that would prevent from filing that claim.

At the same time, the evidence presented by the person participating in the case in support of its arguments is subject to assessment by the court in accordance with the general rules stipulated in Article 67 of the CPC RF, Article 65 of the ComPC RF.

Taking into account the foregoing, the conclusion on whether there existed force majeure circumstances that prevented a timely application to court for protection of the violated right can be made by the court only taking into account the actual facts of a particular case.

Thus, measures taken by public authorities and local self-government bodies aimed at preventing the spread of the novel coronavirus infection (COVID-19), if they prevented the filing of a claim, can be recognized as grounds for suspending the statute of limitation period in the presence of the above conditions.

If the circumstances of force majeure are not established, the statute of limitation period shall be calculated in the general manner.

The inability of citizens to apply to court with claims under the restrictive measures taken (self-isolation regime, inability to apply to court through the court's Internet reception or through a post office due to age, health condition or other circumstances) can be regarded as a valid reason for missing the statute of limitation period and as grounds for its restoration by virtue of Article 205 of the CC RF.

Question 7: Is it possible to recognize the epidemiological situation, restrictive measures or the self-isolation regime as force majeure circumstances (Item 3 of Article 401 of the CC RF) or grounds for termination of an obligation due to inability to fulfil it (Article 416 of the CC RF), including in connection with an act of a public authority (Article 417 of the CC RF), and if so, under what conditions?

Answer: Items 1 and 3 of Article 401 of the CC RF establish differences between citizens and persons engaged in entrepreneurial activity as regards grounds for exemption from liability for violation of obligations.

Citizens can be exempt from liability for violation of obligations in the absence of fault, that is, in a situation where a citizen, with due care and diligence as required by the nature of the obligation and conditions of the turnover, took all measures for the proper fulfilment of the obligation (Item 1 of Article 401 of the CC RF).

In accordance with Item 3 of Article 401 of the CC RF, unless otherwise provided by law or contract, a person who failed to fulfil or improperly fulfilled an obligation in carrying out entrepreneurial activity shall be liable, unless it proves that proper performance was impossible due to force majeure, i.e. extreme circumstances, unpreventable in the given circumstances.

Thus, Article 401 of the CC RF establishes the criteria under which a particular circumstance can be recognized as force majeure.

In Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 24 March 2016 No. 7 “On Court Application of Certain Provisions of the Civil Code of the Russian Federation regarding Liability for Breach of Obligations”, the Supreme Court of the Russian Federation gives interpretation to the concept of force majeure circumstances contained in the CC RF.

Thus, in Item 8 of said Ruling, it is clarified that by virtue of Item 3 of Article 401 of the CC RF, in order for a circumstance to be recognized as force majeure, such a circumstance must be extreme and unpreventable under the given conditions and external in relation to the debtor.

The requirement of “extreme” shall mean the exclusiveness of the circumstance under consideration; that its occurrence is unusual in the given conditions.

Unless otherwise stipulated in law, the circumstance shall be deemed unpreventable if any participant of civil transactions, carrying out activities similar to the debtor’s, would not be able to avoid this circumstance or its consequences; i.e. one of the characteristics of force majeure (along with “extreme and unpreventable”) is its relative nature.

The circumstances, the occurrence of which depended on the will or actions of a party to the obligation (for instance, the debtor’s lack of necessary monetary funds, breach of obligations by its counterparties, illegal actions of its representatives) may not be deemed as force majeure circumstances.

From the clarifications given above, it follows that recognition of the spread of the novel coronavirus infection as force majeure cannot be universal for all categories of debtors, regardless of their type of activities, conditions in which they are implemented, including the region in which an organization operates. Due to that, the existence of force majeure circumstances shall be established taking into account the facts of a particular case (including the time period for the fulfilment of the obligation, the nature of the outstanding obligation, whether the debtor acted reasonably and in good faith, etc.).

With regard to the rules of Article 401 of the CC RF, the circumstances caused by the threat of spread of the novel coronavirus infection, as well as measures taken by the public authorities and local self-government bodies to limit its spread (in particular, the establishment of binding rules of conduct when introducing the high alert or emergency situation regime, ban on movement of vehicles, restriction of travel for

natural persons, suspension of activities of enterprises and institutions, cancellation and postponement of mass events, introduction of the regime of self-isolation of citizens, etc.), can be recognized as force majeure, if their compliance with the above criteria of such circumstances is determined, as well as the causal link between these circumstances and failure to fulfil obligations.

At the same time, it should be understood that, as a general rule, the debtor's lack of necessary monetary funds is not a ground for exemption from liability for non-performance of obligations. However, if the lack of necessary funds is caused by the established restrictive measures, in particular the ban on certain activities, establishment of self-isolation regime, etc., it can be recognized as ground for exemption from liability for non-performance or improper performance of obligations under Article 401 of the CC RF. The exemption from liability is permissible, if a reasonable and prudent participant of the civil turnover engaged in activities similar to those of the debtor could not have avoided the adverse financial consequences caused by the restrictive measures (for example, in the case of a significant reduction in the amount of profit due to the mandatory closure of a public catering enterprise).

In Item 9 of Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 24 March 2016 No. 7 "On Court Application of Certain Provisions of the Civil Code of the Russian Federation regarding Liability for Breach of Obligations", it is clarified that the occurrence of force majeure circumstances itself shall not terminate the obligation of the debtor, if it is possible to fulfil it after such circumstances cease to exist. The creditor shall not be deprived of the right to reject a contract, if as a result of a delay that appeared due to the occurrence of force majeure circumstances the creditor lost interest in its performance. Herewith, the debtor shall not be liable before the creditor for the losses caused by the delay of fulfilment of obligations due to the occurrence of force majeure circumstances (Item 3 of Article 401, Item 2 of Article 405 of the CC RF).

If the force majeure circumstances are temporary, the party may be exempt from liability for a reasonable period, while the force majeure circumstances prevent the party from performing its obligations.

Thus, unless otherwise stipulated in law, in order to be exempt from liability for non-performance of its obligations, the party must prove:

a) the existence and duration of force majeure circumstances;

b) the existence of a causal link between the force majeure circumstances and the failure or delay in the performance of obligations;

c) the non-involvement of the party in creation of the force majeure circumstances;

d) the good faith taking by the party of reasonably expected measures for the purpose of preventing (minimizing) the possible risks.

When considering the issue of exemption from liability due to force majeure circumstances, relevant documents (conclusions, certificates) confirming the existence of force majeure circumstances issued by the authorised bodies or organizations may be taken into account.

If the above circumstances, for which neither party is liable for, and (or) the adoption of acts by the public authorities or local self-government bodies resulted in the complete or partial objective inability to fulfil the obligation of a permanent (irremovable) nature, such an obligation is terminated completely or in its relevant parts by virtue of Articles 416 and 417 of the CC RF.

Question 8: Is it possible to recognize the epidemiological situation, restrictive measures or self-isolation regime as grounds for changing or terminating the contract and, if possible, under what conditions?

Answer: Unless it is otherwise provided by the contract or follows from its nature, such circumstances that the parties could not have anticipated at the conclusion of contracts can form grounds for amendment and termination of contracts by virtue of Article 451 of the CC RF if, subject to anticipation of these circumstances, the contract would not have been concluded or would have been concluded under significantly different terms and conditions.

Moreover, in accordance with Item 4 of Article 451 of the CC RF, an amendment to the contract due to a significant change of circumstances at the request of one of the parties is possible only in exceptional cases, when the termination of the contract is contrary to the public interest or will cause damage to the parties significantly exceeding the costs required to implement the contract under conditions amended by the court. If a claim to amend the terms and conditions of the contract is satisfied, the court must specify the public interests, to which the termination of the contract would be contrary, or substantiate the significant damage to the parties from the termination of the contract.

At the same time, it should be taken into account that additional rights to reject a contract or amend its terms and conditions may be provided for by both general

provisions on obligations, for example, the provisions of Article 328 of the CC RF, and legislation on certain types of contracts, for example, the provisions of Article 19 of Federal Law No. 98 of 1 April 2020 "On Amendments to Certain Legislative Acts of the Russian Federation Related to the Prevention and Response to Emergencies".

The consequences of termination or amendment of the contract in such cases are determined based on Item 3 of Article 451, as well as Item 4 of Article 453 of the CC RF, unless otherwise established by law or another legal act.

In particular, if the contractor violates the time limits of performance of work or rendering of services, the consumer shall have the right to refuse the fulfilment of the contract and claim for the refund of the price paid by virtue of Article 28 of the Law of the Russian Federation No. 2300-I of 7 February 1992 "On Consumer Rights Protection". If the consumer refuses to fulfil the contract for the performance of work (rendering of services) not due to its violation by the contractor, the consumer shall have the right, by virtue of Article 32 of said Law, to claim for the refund of the price paid, excluding the expenses actually incurred by the contractor in relation to the fulfilment of obligations under that contract.

III. Issues of Application of Legislation on Bankruptcy

Question 9: Is the inclusion of the debtor into the list of persons subject to moratorium a sufficient reason for the commercial court to reject the creditor's proof of debt?

Answer: Based on the literal content of provisions of Items 1 and 2 of Article 9.1 of Federal Law No. 127 of 26 October 2002 "On Insolvency (Bankruptcy)" (hereinafter – the Bankruptcy Law), during the period of moratorium, the inclusion of the debtor into the list of persons subject to the moratorium shall be a sufficient reason to reject the creditor's proof of debt. The circumstances in which the debtor's indebtedness to creditors appeared (including the reasons for which it appeared, the relation to the grounds of the moratorium), as well as the period within which it appeared, have no legal significance.

At the stage of accepting an application for proceedings, the commercial court verifies the compliance with the requirements stipulated in procedural legislation and the Bankruptcy Law (Article 42 of the Bankruptcy Law); the circumstances related to

the creation of the indebtedness are not studied by the court at this stage of proceedings.

Question 10: Are writs of execution issued based on judicial acts on pecuniary sanctions against debtors subject to moratorium?

Answer: The provisions of Item 3 of Article 9.1 of the Bankruptcy Law do not exclude the possibility of considering claims against debtors subject to moratorium during the period of the moratorium.

Sub-item 4 of said norm states that enforcement proceedings in relation to pecuniary sanctions upon claims arising before the introduction of the moratorium shall be suspended (herewith, the seizure of the debtor's property shall not be cancelled, as well as other restrictions regarding the disposal of the debtor's property imposed during the enforcement proceedings).

Given that the legislator provided for a suspension of enforcement proceedings in the moratorium, but at the same time allowed the preservation of seizing (in contrast to the observation procedure – paragraph 4 of Item 1 of Article 63 of the Bankruptcy Law), it can be concluded that writs of execution can be issued by the court. At the same time, in the course of enforcement proceedings under such writs of execution, it is permissible to perform actions aimed at the restriction of disposal of the debtor's property provided for by legislation on enforcement proceedings.

Question 11: Are the periods stipulated in the Bankruptcy Law subject to restoration if they were missed due to the circumstances that served as grounds for the moratorium?

Answer: Taking into account the current situation related to the spread of the novel coronavirus infection on the territory of the Russian Federation and the adoption by the President of the Russian Federation of a number of measures, including the declaration of non-working days and restrictions on the operation of organizations (Presidential Executive Orders No. 206 of 25 March 2020 and No. 239 of 2 April 2020), the courts should take into account that periods for submission by creditors of their proofs of debts in bankruptcy cases shall be restored, and (or) periods for performing other actions in bankruptcy cases shall be recognized as observed with due regard to the actual facts of each particular case.

IV. Issues of Application of Criminal Legislation

Question 12: Do circumstances of the spread of the novel coronavirus infection (COVID-19) on the territory of the Russian Federation belong to circumstances that threaten the life and safety of citizens, as specified in the Note to Article 207.1 of the Criminal Code of the Russian Federation (hereinafter – the CrC RF) and in Item 2 of Notes to Article 13.15 of the Code of the Russian Federation on Administrative Offences (hereinafter – CAO RF)?

Answer: Yes, they do, because the spread of the novel coronavirus infection (COVID-19) on the territory of the Russian Federation has now caused and may still cause human casualties, harm to health of a person, significant material losses and disturbance of living conditions of the population, and measures taken to ensure the safety of the population and territories are aimed at preventing its spread.

Question 13: What are the criteria for differentiating administrative liability for offences stipulated in Parts 9 and 10 of Article 13.15 of the CAO RF from criminal liability under Article 207.1 of the CrC RF in case of dissemination by a natural person in mass media, as well as in information and telecommunication networks, of knowingly false information about the novel coronavirus infection (COVID-19) under the guise of veracious messages?

Answer: Actions of a natural person may contain elements of a criminal offence and be qualified under Article 207.1 of the CrC RF, where they consist in public dissemination, under the guise of veracious messages, of knowingly false information about circumstances that threaten the life and safety of citizens, in particular about the circumstances of spread of the novel coronavirus infection (COVID-19) on the territory of the Russian Federation and (or) about measures taken in this regard to ensure the safety of the population and territories, about the means and ways of protection against these circumstances, and when such dissemination of knowingly false information with regard to the situation in which it is carried out, the goals and motives of actions performed (for example, to spark panic among the population, violation of law and order) constitutes a true social danger and harms the relations protected by criminal law in the sphere of public safety. Herewith, the public nature of dissemination of knowingly false information can be manifested not only in the use of mass media and information and telecommunication networks, but also in the dissemination of such information by speaking at an assembly, rally, by distribution of leaflets, displaying of placards, etc.

Question 14: Is criminal liability for public dissemination of knowingly false information specified in the provisions of Article 207.1 of the CrC RF possible, if it was committed before the entry into force of Federal Law No. 100 of 1 April 2020 (which established the criminality of this action), but was stopped in the period when the Article was already effective? Is there any liability under Article 207.2 of the CrC RF for public dissemination of knowingly false publicly significant information, committed before the entry into force of Federal Law No. 100 of 1 April 2020 in cases where the consequences of these actions in the form of harm to health of a person, death or other serious consequences occurred after its entry into force?

Answer: When deciding whether the actions in question are punishable by criminal law, the court should take into account the provisions of Article 9 of the CrC RF, according to which the criminal and punishable nature of these actions are determined in the criminal law effective at the time of perpetration of the act (Part 1) and the time of the offence shall be the time of performance of a publicly dangerous action (failure to act), regardless of when its consequences are entailed (Part 2).

A person cannot be held criminally liable for dissemination of knowingly false information that is specified in the dispositions of Article 207.1 or Article 207.2 CrC RF, if that person committed the offence prior to the entry into force of Federal Law No. 100 of 1 April 2020, i.e. before 1 April 2020, in particular where publicly dangerous consequences stipulated in Article 207.2 of the CrC RF occurred after the new criminal law became effective. If the public dissemination of knowingly false information started before the entry into force of Federal Law No. 100 of 1 April 2020 and continued after the establishment of criminal liability, then only those actions that were committed during the period starting from 1 April 2020 can be considered criminal, while the mandatory condition for liability under Article 207.2 of the CrC RF is the occurrence of publicly dangerous consequences, which are in a causal relationship with such actions.

Question 15: Is it possible, with regard to the disposition of Article 207.2 of the CrC RF, to consider as publicly significant the information on circumstances that pose a threat to the life and safety of citizens and (or) on measures taken to ensure the safety of the population and territories, on methods and ways of protection against said circumstances, where such information is the subject matter of the crime stipulated in Article 207.1 of the CrC RF?

Answer: By implication of criminal law, the subject matter of the crime stipulated in Article 207.2 of the CrC RF is broader in comparison to the subject matter of the crime stipulated in Article 207.1 of the CrC RF. In particular, according to Part 1.1 of Article 15.3 of Federal Law No. 149 of 27 July 2006 (as amended on 3 April 2020) "On Information, Information Technologies and Protection of Information", publicly significant information is information that poses a danger of harm to life and (or) health of citizens, property, a risk of mass violation of the public order and (or) public safety, or a threat of creation of obstacles to or termination of functioning of facilities of the vital infrastructure, transport or social infrastructure, credit institutions, energy, industry or communication facilities.

Therefore, the information about circumstances that pose a threat to the life and safety of citizens, and (or) on measures taken in this regard to ensure the safety of the population and territories, on methods and ways of protection against these circumstances can also be regarded as publicly significant information.
With this consideration in mind, the public dissemination, under the guise of veracious news, of knowingly false information, referred to in Note to Article 207.1 of the CrC RF, that caused harm to health of a person, death of a person or other serious consequences due to recklessness, is subject to qualification in accordance with the relevant part of Article 207.2 of the CrC RF. If these actions did not result in the specified consequences, the action shall be subject to qualification according to Article 207.1 of the CrC RF.

Question 16: What are the criteria for delimitation of administrative liability stipulated in Parts 10.1 and 10.2 of Article 13.15 of the CAO RF and criminal liability stipulated in Articles 207.1 and 207.2 of the CrC RF?

Answer: This delimitation shall be made in terms of the subject matter of the offence. Administrative liability for actions stipulated in Parts 10.1 and 10.2 of Article 13.15 of the CAO RF is established only for legal persons. Citizens, including officials, managers of a legal person, may be held criminally liable if they have committed a crime stipulated in Article 207.1 or 207.2 of the CrC RF.

V. Issues of Application of Legislation on Administrative Offences

Question 17: In what cases are citizens, officials, persons engaged in entrepreneurial activities without forming a legal person, and legal persons

subject to administrative liability under Part 1 of Article 20.6.1 of the CAO RF?

Answer: The objective side (*actus reus*) of the administrative offence stipulated in Part 1 of Article 20.6.1 of the CAO RF is expressed in failure to comply with the rules of conduct in case of introduction of high alert regime in the territory where there exists a threat of emergency or in the emergency zone, with the exception of situations stipulated in Part 2 of Article 6.3 of said Code.

The Government of the Russian Federation establishes mandatory rules of conduct for citizens and organizations in case of high alert or emergency situation regime (Sub-item "a.2" of Item "a" of Article 10 of Federal Law No. 68 of 21 December 1994 (as amended on 1 April 2020) "On Protection of the Population and Territories against Natural and Human-Made Emergencies").

These rules are approved by Decree of the Government No. 417 of 2 April 2020 (hereinafter referred to as the Rules).

The Rules stipulate, inter alia, that when high alert regime is introduced in a territory where there exists a threat of an emergency situation, citizens must comply with the lawful requests of officials implementing the measures aimed at preventing emergency situations; in the face of emergency, citizens must not perform actions that threaten their own safety, life and health, as well as actions that threaten the safety, life and health, sanitary and epidemiological well-being of other persons located in the territory where there exists a threat of an emergency situation (Sub-item "b" of Item 3, Sub-items "c", "d" of Item 4 of the Rules).

The public authorities of constituent entities of the Russian Federation shall adopt laws and other regulatory acts in compliance with federal laws in the sphere of protection of the population and territories against emergency situations of intermunicipal and regional scale and rules of conduct that are mandatory for citizens and organizations in case of introduction of high alert or emergency situation regime, as well as taking into account the features of an emergency situation on the territory of a constituent entity of the Russian Federation or the threat of its occurrence, pursuant to the rules of conduct determined in accordance with Sub-item "a.2" of Item "a" of Article 10 of said Federal Law. These public authorities can also stipulate additional mandatory rules of conduct for citizens and organizations in case of introduction of high alert or emergency situation regime (Sub-item "b" of Item 6 of Article 4.1, Items "a", "s", "t" of Part 1 of Article 11 of Federal Law No. 68 of

21 December 1994 (as amended on 1 April 2020) "On Protection of the Population and Territories against Natural and Human-Made Emergencies").

In elaboration of above-mentioned provisions of legislation of the Russian Federation, constituent entities of the Russian Federation have adopted normative legal acts in the sphere of protection of the population and territories against emergency situations, for example: Decree of the Mayor of Moscow No. 12 of 5 March 2020 "On Introduction of High-Alert Regime" (as amended by Decree of the Mayor of Moscow No. 42 of 10 April 2020), Decree of the Governor of Moscow Region No. 108 of 12 March 2020 (as amended on 12 April 2020, Decree No. 178) "On Introduction of High-Alert Regime in Moscow Region for the Government Bodies and Forces of the Moscow Regional Emergency Prevention and Response System and Certain Measures Aimed at Preventing the Spread of the Novel Coronavirus Infection (COVID-2019) on the Territory of Moscow Region", etc.

Citizens of the Russian Federation must comply with the laws and other normative legal acts of the Russian Federation, laws and other normative legal acts of constituent entities of the Russian Federation in the sphere of protection of the population and territories against emergency situations, comply with the established rules of conduct in case of introduction of high-alert or emergency situation regime (Article 19 of Federal Law No. 68 of 21 December 1994 (as amended on 1 April 2020) "On Protection of the Population and Territories against Natural and Human-Made Emergencies").

From the analysis of the mentioned provisions in their systemic relationship, it follows that citizens, officials, persons engaged in entrepreneurial activity without forming a legal person, legal persons are subject to administrative liability under Part 1 of Article 20.6.1 of the CAO RF for both violation of the Rules and for violation of mandatory, as well as additional mandatory, rules of conduct for citizens and organizations in case of introduction of high-alert or emergency situation regime on the territory of a constituent entity of the Russian Federation.

Thus, for example, the actions of a natural person that took the form of violation of Sub-item 3.2.4 of Item 3.2 of Section 3, Items 12.1, 12.3 of Section 12 of the Decree of the Mayor of Moscow No. 12 of 5 March 2020 "On Introduction of High-Alert Regime" (as amended by Decree of the Mayor of Moscow No. 42 of 10 April 2020) adopted in elaboration of provisions of Federal Law No. 68 of 21 December 1994 "On Protection of the Population and Territories against Natural and Human-Made Emergencies", or the actions of an individual entrepreneur, legal person in form of

violation of Sub-items 3.2.1, 3.2.2, 3.2.3 of Item 3.2 of Section 3 of said Decree, etc., are subject to qualification in accordance with Part 1 of Article 20.6.1 of the CAO RF.

Herewith, the courts shall take into account that in case of violation of Sub-item 2.3 of Item 2 of Decree of the Chief State Sanitary Physician of the Russian Federation No. 7 of 18 March 2020 "On Ensuring the Isolation Regime to Prevent the Spread of COVID-2019" regarding the implementation of requirements for isolation at home, as well as of Sub-item 3.2.4 of Item 3.2 of Section 3 of Decree of the Mayor of Moscow of 5 March 2020 No. 12 of 5 March 2020 "On Introduction of High-Alert Regime" (as amended by Decree of the Mayor of Moscow No. 42 of 10 April 2020) regarding the temporary suspension of attendance by citizens of areas of citywide significance, committed by a person that has arrived in the territory of the Russian Federation from a foreign state, these actions should be qualified under with Part 2 of Article 6.3 of the CAO RF, which is a special norm with regard to Part 1 of Article 20.6.1 of the CAO RF.

When resolving the issue of imposition of an administrative penalty of a specific type and amount upon the person who is under proceedings in a case on an administrative offence stipulated in Part 1 of Article 20.6.1 of the CAO RF, the courts should be guided by provisions of Chapter 4 of the CAO RF and bear in mind that such a penalty must meet the requirements of proportionality, fairness and adequacy, individualization of administrative liability, and also meet the goals of cautioning the offender and other persons against perpetrating new offences.

Question 18: Officials of which bodies have the right to draw up reports on administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF?

Answer: In accordance with Item 18 of Part 5 and Part 6.4 of Article 28.3 of the CAO RF, the administrative offences reports stipulated in Part 1 of Article 20.6.1 of the CAO RF can be drawn up by:

- officials mentioned in the List of Officials of Administrative Bodies and Forces of the United Public System for Emergency Situations Prevention and Response, including officials of executive bodies of constituent entities of the Russian Federation authorised to draw up reports about administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF (approved by Decree of the Government of the Russian Federation No. 975 of 12 April 2020);
- officials of executive bodies of constituent entities of the Russian Federation, the list of whom is approved by the top official (head of the top executive

body) of a constituent entity of the Russian Federation. Such lists are established, for example, by Decree of the Mayor of Moscow No. 40 of 4 April 2020 “On Features of Application of Penalties for Violation of the High-Alert Regime in the City of Moscow by Organizations and Individual Entrepreneurs”, by Decree of the Governor of the Moscow Region No. 108 of 12 March 2020 (as amended on 4 April 2020, Decree No. 108) “On Introduction of High-Alert Regime in the Moscow Region for the Administrative Bodies and Forces of the Moscow Regional Emergency Prevention and Response System and Certain Measures Aimed at Preventing the Spread of the Novel Coronavirus Infection (COVID-2019) on the Territory of Moscow Region”, by executive order of the President of the Republic of Tatarstan No. 224 of 6 April 2020 “On Approval of the List of Executive Bodies of the Republic of Tatarstan and their Officials Authorised to Draw up Reports on Administrative Offences”, etc.

Question 19: What is the statute of limitation period for holding a person administratively liable in cases of administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF?

Answer: Administrative offences, liability for which is established by Part 1 of Article 20.6.1 of the CAO RF, are of continuous nature.

In accordance with Part 1 of Article 4.5 of the CAO RF, the statute of limitation period for holding a person administratively liable for perpetration of administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF is 3 months, calculated from the time of their discovery.

Question 20: Which entity of administrative jurisdiction is competent to consider cases on administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF, how is the venue of consideration of such cases and the place of perpetration of the administrative offence determined?

Answer: Cases on administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF are considered by judges of district courts (Part 3 Article 23.1 of the CAO RF).

Cases on administrative offences stipulated in Part 1 of Article 20.6.1 of the CAO RF shall be subject to consideration at the place of their perpetration. The place of

perpetration of an administrative offence of this category shall be the place of its discovery.

If an administrative investigation in a case on an administrative offence stipulated in Part 1 of Article 20.6.1 of the CAO RF is conducted, such a case shall be considered at the location of the body that conducted the administrative investigation (Part 1 of Article 28.7, Part 2 of Article 29.5 of the CAO RF).

Question 21: Upon whom can an administrative penalty in the form of warning for perpetration of an administrative offence stipulated in Part 1 of Article 20.6.1 of the CAO RF be imposed?

Answer: The sanction of Part 1 of Article 20.6.1 of the CAO RF provides for a warning or imposition of an administrative fine on citizens in the amount from 1,000 to 30,000 rubles; on officials – from 10,000 to 50,000 rubles; on persons engaged in entrepreneurial activities without forming a legal person – from 30,000 to 50,000 rubles; on legal persons – from 100,000 to 300,000 rubles.

Based on the content of said provision, the administrative penalty in the form of a warning may be imposed on any offender (a citizen, an official, a person engaged in entrepreneurial activities without forming a legal person, a legal person) that committed an offence stipulated in said provision, depending on the specific facts of the case on an administrative offence.

Question 22: Which category of individuals is subject to administrative liability under Part 2 of Article 6.3 of the CAO RF in connection with the threat of spreading the novel coronavirus infection (COVID-19)?

Answer: Part 2 of Article 6.3 of the CAO RF establishes administrative liability for violation of legislation in the sphere of ensuring sanitary and epidemiological well-being of the population in the form of infringement of current sanitary rules and hygienic standards, failure to comply with sanitary and hygienic and anti-epidemic measures, committed during the emergency situation regime or in the event of threat of spreading the disease posing a danger to the public, or during the implementation of restrictive measures (quarantine) on the corresponding territory, or failure to carry out, within the stipulated term, a lawful instruction (decree) or request issued by the body (official) in charge of federal state sanitary and epidemiological supervision regarding the implementation of sanitary-epidemiological (preventive) measures.

The List of Diseases Posing a Danger to the Public is approved by the Government of the Russian Federation based on high levels of caused disability and mortality, reduced life expectancy of patients.

By Decree of the Government of the Russian Federation No. 66 of 31 January 2020, the coronavirus infection (2019-nCoV) is included into the List of Diseases Posing a Danger to the Public.

Patients with infectious diseases, persons with suspected cases of such diseases and those that came into contact with patients with infectious diseases, as well as persons who are carriers of infectious agents, are subject to laboratory investigation and medical observation or treatment and, if they pose a danger to the public, subject to mandatory hospitalization or isolation in the manner stipulated in legislation of the Russian Federation (Part 1 of Article 33 of Federal Law No. 52 of 30 March 1999 "On Sanitary and Epidemiological Well-being of the Population").

Where violations of sanitary legislation are discovered, as well as when there is a danger of occurrence and spread of infectious diseases and mass noncommunicable diseases (poisonings), officials engaged in federal state sanitary and epidemiological supervision have the right to issue mandatory instructions to citizens to eliminate the detected violations of sanitary and epidemiological requirements, to conduct additional sanitary and anti-epidemic (prophylactic) activities in due time. In case of danger of occurrence and spread of infectious diseases that pose a danger to the public, chief state sanitary physicians and their deputies are authorised to issue reasoned decrees on hospitalization for the purpose of examination or on isolation of patients with infectious diseases that pose a danger to the public and persons with suspected cases of such diseases, as well as on mandatory medical examination, hospitalization or isolation of citizens that came into contact with patients with infectious diseases that pose danger to the public (Item 2 of Article 50, Item 6 of Part 1 of Article 51 of Federal Law No. 52 of 30 March 1999 "On Sanitary and Epidemiological Well-being of the Population").

Thus the federal legislator allows medical intervention, as well as the adoption of various types of isolation measures in regard of said persons in the manner stipulated in legislation.

The observance of sanitary rules, sanitary and anti-epidemic (preventive) measures is mandatory for citizens, individual entrepreneurs and legal persons (Part 3 of Article 39 of Federal Law No. 52 of 30 March 1999 "On Sanitary and

Epidemiological Well-being of the Population", Items 1.3, 2.6, 2.7, 10.1, 13.1 of Sanitary and Epidemiological Rules 3.1/3.2.3146-13 "General Requirements for the Prevention of Infectious and Parasitic Diseases" approved by Decree of the Acting Chief State Sanitary Physician of the Russian Federation No. 65 of 16 December 2013).

Based on interpretation of the above provisions in their systemic interrelation, persons subject to administrative liability under Part 2 of Article 6.3 of the CAO RF due to threat of spread of the novel coronavirus infection (COVID-19) are, in particular, persons with suspected cases of a virulent form of an infectious disease, persons arriving in the territory of the Russian Federation (in particular from states that are epidemically affected by the coronavirus infection), persons who are or have been in contact with a source of disease, in contact with persons with suspected cases of a virulent form of an infectious disease, people evading treatment of an infectious disease, infringing the sanitary and anti-epidemic regime and not fulfilling in due time (as specified in Part 2 of Article 6.3 of the CAO RF) the lawful instruction (decree) or request issued by a body (official) in charge of federal state sanitary and epidemiological supervision.

Thus, for example, actions of a natural person that has arrived in the territory of the Russian Federation and violated the requirement for isolation at home (Sub-item 2.3 of Item 2 of Decree of the Chief State Sanitary Physician of the Russian Federation No. 7 of 18 March 2020 "On Ensuring Isolation Regime to Prevent the Spread of COVID-2019") are subject to qualification under Part 2 of Article 6.3 of the CAO RF.

Along with that, when resolving the issue of imposition of an administrative penalty of a specific type and amount upon the person under investigation in a case on an administrative offence stipulated in Part 2 of Article 6.3 of the CAO RF, the court should be guided by the provisions of Chapter 4 of the CAO RF and bear in mind that such a penalty must meet the requirements of proportionality, fairness and adequacy, individualization of administrative liability, and also meet the goals of cautioning the offender and other persons against perpetrating new offences.

Question 23: Officials of which bodies have the right to draw up reports on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF?

Answer: The reports on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF may be drawn up by:

- officials of internal affairs bodies (of the police) (Item 1 of Part 2 of Article 28.3 of the CAO RF);
- officials of bodies engaged in federal state sanitary and epidemiological supervision (Item 19 of Part 2 of Article 28.3 of the CAO RF).

Question 24: What is the statute of limitation period for holding a person administratively liable in cases on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF?

Answer: Administrative offences, liability for which is stipulated in Part 2 of Article 6.3 of the CAO RF, are of continuous nature.

In accordance with Part 1 of Article 4.5 of the CAO RF, the statute of limitation period for holding a person administratively liable for perpetration of administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF is one year, calculated from the time of discovery of the administrative offence.

Question 25: Which entity of administrative jurisdiction is competent to consider cases on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF, how is the venue of consideration of such cases and the place of perpetration of the offence determined?

Answer: Cases on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF are considered by judges of district courts (Part 3 Article 23.1 of the CAO RF).

Cases on administrative offences stipulated in Part 2 of Article 6.3 of the CAO RF shall be subject to consideration at the places of perpetration of such offences. The place of perpetration of an administrative offence of this category is the place of its discovery.

In the event of administrative investigation of a case on an administrative offence stipulated in Part 2 of Article 6.3 of the CAO RF, such a case shall be considered at the location of the body that conducted the administrative investigation (Part 1 of Article 28.7, Part 2 of Article 29.5 of the CAO RF).

This category of cases of administrative offences can be considered with the use of videoconferencing systems (Article 29.14 of the CAO RF).

Question 26: Which day is the date of entry into force of the decision in the case on an administrative offence, if the end of the appeal period for such a decision falls on the day declared non-working by Executive Orders of the President of the Russian Federation No. 206 of 25 March 2020 and No. 239 of 2 April 2020?

Answer: When calculating the respective periods of entry into force of decisions in cases on administrative offences, it should be taken into account that, in accordance with Part 2 of Article 4.8 of the CAO RF, a period calculated in days expires at 24 hours of the last day.

A decision in a case on an administrative offence shall enter into force after the expiration of the period established for appealing against the decision in the case on an administrative offence, unless said decision is appealed or a prosecutor protests against it (Item 1 of Article 31.1 of the CAO RF).

This period is established by Part 1 of Article 30.3 of the CAO RF, according to which an appeal against the decision in a case on an administrative offence can be filed within ten days from the date on which a copy of the decision is handed or received.

Based on the interpretation of Articles 4.8, 30.3 and 31.1 of the CAO RF, the decision in a case on an administrative offence enters into force, if it has not been appealed (protested against) within ten days after the date of handing or receipt of a copy of the decision.

If the end of the time limit for appealing the decision in the case on an administrative offence falls on a day that is declared non-working by Executive Orders of the President of the Russian Federation No. 206 of 25 March 2020 and No. 239 of 2 April 2020, the last day of such a time limit shall not be postponed to the next working day, and the decision enters into force on the day following the expiration of the period.

Herewith, the courts must take into account that while setting the time limit for filing an appeal (protesting) against a ruling in a case on an administrative offence, the CAO RF allows for the possibility of restoration of that time limit, if it was missed, upon the motion of the person filing the appeal (protest).

Thus, if the deadline stipulated in Part 1 of Article 30.3 of the CAO RF is missed, the judge or the official competent to consider the appeal (Part 2 of Article 30.3 of the CAO RF) can restore this period upon the motion of the person filing the appeal.

The motion shall be made in writing (Part 2 of Article 24.4 of the CAO RF).

Given that there are no requirements for drawing up motions in cases on administrative offences in the legislation of the Russian Federation on administrative offences apart from those stipulated in Part 2 of Article 24.4 of the CAO RF, the motion for restoration of the missed deadline may either be included into the text of an appeal against the decision in the case on the administrative offence or submitted as a separate document.

Herewith, the motion must indicate the reason for missing the deadline for appealing against the decision in the case on the administrative offence.

Valid reasons may include circumstances that objectively prevented or excluded the timely filing of the appeal, such as the stay of the person in a health care facility for treatment, application of various types of isolation measures to the person in the manner stipulated in legislation in the sphere of ensuring the sanitary and epidemiological well-being of the population, or restrictive measures applied in accordance with legislation on protection of the population and territories against natural and human-made emergencies.

ANNEX

Translation of applicable articles
of the Code of the Russian Federation on Administrative Offences (CAO RF)
and of the Criminal Code of the Russian Federation (CrC RF)

CAO RF

Article 6.3. Violation of Legislation Ensuring the Sanitary and Epidemiological Well-Being of the Population

1. Violation of legislation ensuring the sanitary and epidemiological well-being of the population in the form of violation of effective sanitary rules and hygienic standards, failure to comply with sanitary-hygienic measures and epidemic countermeasures, -
is punished by a warning or an administrative fine in the amount of 100 to 500 rubles for citizens; 500 to 1000 rubles for officials; administrative fine in the amount of 500 to 1000 rubles or administrative halt of activities for a term up to 90 days for persons engaged in entrepreneurial activities without forming a legal person; 10 000 to 20 000 rubles or administrative halt of activities for a term up to 90 days for legal persons.

2. The same actions (failure to act) performed during an emergency situation regime, or in case of danger of spread of a disease posing a danger to the public, or during implementation of restrictive measures (quarantine) on the corresponding territory, or failure to carry out, within the stipulated term, a lawful instruction (decree) or request issued by the body (official) in charge of federal state sanitary and epidemiological supervision, regarding the implementation of sanitary-epidemiological (preventive) measures -
are punished by an administrative fine in the amount of 15 000 to 40 000 rubles for citizens; 50 000 to 150 000 rubles for officials; administrative fine in the amount of 50 000 to 150 000 rubles or administrative halt of activities for a term up to 90 days for persons engaged in entrepreneurial activities without forming a legal person; 200 000 to 500 000 rubles or administrative halt of activities for a term up to 90 days for legal persons.

3. Actions (failure to act) stipulated in Part 2 of this Article, where they entail harm to the health of a person or death of a person, unless these actions (failure to act) contain a criminal offence, -
are punished by an administrative fine in the amount of 150 000 to 300 000 rubles for citizens; 300 000 to 500 000 rubles or disqualification for a term of 1 to 3 years for

officials; administrative fine in the amount of 500 000 to 1 000 000 rubles or administrative halt of activities for a term up to 90 days for persons engaged in entrepreneurial activities without forming a legal person; 500 000 to 1 000 000 rubles or administrative halt of activities for a term up to 90 days for legal persons.

Article 13.15. Abuse of Freedom of Mass Media

[…]

9. Dissemination in mass media, as well as in information and telecommunication networks, of knowingly false publicly significant information under the guise of veracious messages, where this creates the danger of harm to the lives and (or) health of citizens, to property, danger of mass violation of public order and (or) public safety, or the danger of creation of obstacles to the functioning or termination of functioning of facilities of the vital infrastructure, transport or social infrastructure, credit institutions, energy, industry or communication facilities, unless these actions of the person distributing information contain a criminal offence, -

is punished by an administrative fine in the amount of 30 000 to 100 000 rubles for citizens, with or without confiscation of the subject matter of the administrative offence; 60 000 to 200 000 rubles for officials; 200 000 to 500 000 rubles for legal persons, with or without confiscation of the subject matter of the administrative offence.

10. Dissemination in mass media, as well as in information and telecommunication networks, of knowingly false publicly significant information under the guise of veracious messages, where this entails creation of obstacles to the functioning of facilities of the vital infrastructure, transport or social infrastructure, credit institutions, energy, industry or communication facilities, unless these actions of the person distributing information contain a criminal offence, or repeated perpetration of an administrative stipulated in Part 9 of this Article, -

is punished by an administrative fine in the amount of 100 000 to 300 000 rubles for citizens, with or without confiscation of the subject matter of the administrative offence; 300 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons, with or without confiscation of the subject matter of the administrative offence.

10.1. Dissemination in mass media, as well as in information and telecommunication networks, of knowingly false information about circumstances posing a threat to the life and safety of citizens, and (or) on measures taken in this regard to ensure the

safety of population and territories, on methods and ways of protection against said circumstances, under the guise of veracious messages, -
is punished by an administrative fine in the amount of 1 500 000 to 3 000 000 rubles for legal persons, with or without confiscation of the subject matter of the administrative offence.

10.2. Dissemination in mass media, as well as in information and telecommunication networks, of knowingly false publicly significant information under the guise of veracious messages, where this entails death of a person, harm to the health of a person or to property, mass violation of public order and (or) public safety, termination of functioning of facilities of the vital infrastructure, transport or social infrastructure, credit institutions, energy, industry or communication facilities, -
is punished by an administrative fine in the amount of 3 000 000 to 5 000 000 rubles for legal persons, with or without confiscation of the subject matter of the administrative offence.

11. Repeated perpetration of an administrative offence stipulated in Part 10, 10.1 or 10.2 of this Article, -
is punished by an administrative fine in the amount of 300 000 to 400 000 rubles for citizens, with or without confiscation of the subject matter of the administrative offence; 600 000 to 900 000 rubles for officials; 5 000 000 to 10 000 000 rubles for legal persons, with or without confiscation of the subject matter of the administrative offence.

Note:
1. Bodies of the prosecution of the Russian Federation are notified within 24 hours about all instances of initiation of cases on administrative offences stipulated in Parts 9–11 of this Article.

2. Circumstances posing a threat to the life and safety of citizens, as indicated in Part 10.1 of this Article, are natural and human-made emergencies, ecological emergencies, including epidemics, epizootics and other circumstances arising as a result of accidents, dangerous natural phenomena, catastrophes, natural and other disasters that entail (may entail) human casualties, harm to the health of people and to the environment, significant material losses and disturbance of living conditions of the population.

Article 20.6. Failure to Comply with Norms and Rules Aimed at Prevention and Liquidation of Emergencies

1. Failure to fulfil duties to protect the population and territories from natural or human-made emergencies, as stipulated in legislation, as well as failure to comply with the requirements of norms and rules aimed at prevention of accidents and catastrophes at facilities intended for industrial or social purposes, -
is punished by an administrative fine in the amount of 10 000 to 20 000 rubles for officials; 100 000 to 200 000 rubles for legal persons.

2. Failure to take measures to ensure the readiness of forces and means intended for liquidation of emergencies, as well as failure to timely forward forces and means to the emergency situation zone, as envisaged by a plan for liquidation of emergencies adopted in the stipulated manner, -
is punished by an administrative fine in the amount of 10 000 to 20 000 rubles for officials.

Article 20.6.1. Failure to Comply with Rules of Conduct in an Emergency or During Threat of Its Occurrence

1. Failure to comply with rules of conduct when a high alert regime is introduced on a territory where there is a danger of occurrence of an emergency, or in an emergency situation zone, except when Part 2 of Article 6.3 of this Code applies, -
is punished by a warning or an administrative fine in the amount of 1 000 to 30 000 rubles for citizens; 10 000 to 50 000 rubles for officials; 30 000 to 50 000 rubles for persons engaged in entrepreneurial activities without forming a legal person; 100 000 to 300 000 rubles for legal persons.

2. Actions (failure to act) stipulated in Part 1 of this Article, where they entail harm to the health of a person or to property, except where Part 3 of Article 6.3 of this Code applies, unless these actions (failure to act) contain a criminal offence, or repeated perpetration of an administrative offence stipulated in Part 1 of this Article -
are punished by an administrative fine in the amount of 15 000 to 50 000 rubles for citizens; 300 000 to 500 000 rubles or disqualification for a term of 1 to 3 years for officials; administrative fine in the amount of 500 000 to 1 000 000 rubles or administrative halt of activities for a term up to 90 days for persons engaged in entrepreneurial activities without forming a legal person; 500 000 to 1 000 000 rubles or administrative halt of activities for a term up to 90 days for legal persons.

CrC RF

Article 207.1. Public Dissemination of Knowingly False Information about Circumstances Posing a Threat to the Life and Safety of Citizens

Public dissemination, under the guise of veracious messages, of knowingly false information about circumstances posing a threat to the life and safety of citizens, and (or) on measures taken to ensure the safety of population and territories, on methods and ways of protection against said circumstances -
is punished by a fine in the amount of 300 000 to 700 000 rubles or in the amount of salary or other income of the convicted person for a term of 1 year to 18 months, or by obligatory works for a term up to 360 hours, or by corrective works for a term up to 1 year, or by restriction of liberty for a term up to 3 years.

Note:
In this Article, circumstances posing a threat to the life and safety of citizens are natural and human-made emergencies, ecological emergencies, including epidemics, epizootics and other circumstances arising as a result of accidents, dangerous natural phenomena, catastrophes, natural and other disasters that entail (may entail) human casualties, harm to the health of people and to the environment, significant material losses and disturbance of living conditions of the population.

Article 207.2. Public Dissemination of Knowingly False Publicly Significant Information Entailing Grave Consequences

1. Public dissemination, under the guise of veracious messages, of knowingly false publicly significant information, where this entails harm to health of a person due to recklessness -
is punished by a fine in the amount of 700 000 to 1 500 000 rubles or in the amount of salary or other income of the convicted person for a term up to 18 months, or by corrective works for a term up to 1 year, or by compulsory labour for a term up to 3 years, or by deprivation of liberty for the same term.

2. The same act, where it entails death of a person or other grave consequences due to recklessness, -
is punished by a fine in the amount of 1 500 000 to 2 000 000 rubles or in the amount of salary or other income of the convicted person for a term of 18 months to 3 years,

or by corrective works for a term up to 2 years, or by compulsory labour for a term up to 5 years, or by deprivation of liberty for the same term.

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