

*/Coat of arms of the Russian Federation/*

**RULING  
OF THE PLENARY SESSION  
OF THE SUPREME COURT  
OF THE RUSSIAN FEDERATION**

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**On Certain Issues that Arise in Courts during the Consideration of Cases of  
Administrative Offenses Involving Evasion of Penalty in the Form of an  
Administrative Fine**

Due to issues arising in judicial practice during the consideration of cases of administrative offenses involving non-payment of an administrative fine within the time period stipulated by the Code of the Russian Federation on Administrative Offences, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law No. 3-FKZ of February 5, 2014 "On the Constitutional Court of the Russian Federation", decides to provide the following clarifications.

1. The Code of the Russian Federation on Administrative Offences (hereinafter also referred to as the CAO RF, the Code) enshrines the requirement for the binding nature of the decision in a case of administrative offence (Part 1 of Article 31.2). Such a decision is made by judges of courts of general jurisdiction, bodies, and officials within their competence (Articles 22.1, 22.2, Chapter 23 of the CAO RF) and is subject to execution in full from the time it enters into legal force (Article 31.1 of the Code), with the exception of cases listed in separate provisions of Chapters 31, 32 of the Code (Part 2 of Articles 31.2, Articles 31.5, 32.1, Parts 1<sup>3</sup>–1<sup>3-3</sup> of Article 32.2, Part 1 of Article 32.8, Part 2 of Article 32.9, Part 1<sup>1</sup> of Article 32.10, Part 1 of Article 32.12 of the CAO RF).

When commercial courts resolve cases of administrative offences, the consideration of which is referred to their competence by the Code of the Russian Federation on Administrative Offences, the commercial court makes a decision on the case on bringing to administrative responsibility (hereinafter also referred to as the decision of the commercial court), which is binding on public authorities, local self-government bodies, other bodies, organizations, officials, and citizens from the time it comes into legal force, and is enforceable throughout the territory of the Russian Federation (paragraphs four and five of Part 3 of Article 23.1 of the CAO RF, Part 1 of Article 16, Item 3 of Part 1 of Article 29, Part 1 of Article 202, Article 206 of the Commercial Procedure Code of the Russian Federation (hereinafter also referred to as the ComPC RF)).

In order to implement the requirements for the binding nature of the aforementioned rulings and decisions, Part 1 of Article 20.25 of the CAO RF provides for administrative responsibility for non-payment of an administrative fine within the time period stipulated by the Code.

2. As a general rule, the consideration of cases of administrative offenses provided for in Part 1 of Article 20.25 of the CAO RF falls within the competence of judges of courts of general jurisdiction (Parts 1, 2, paragraphs one, two, six of Part 3 of Article 23.1 of the CAO RF).

In the event of non-payment of an administrative fine imposed for an administrative offense provided for in Articles 11.23, 11.26, 11.27 or 11.29 or Chapter 12 of the CAO RF and committed on a vehicle registered in a foreign country, cases of administrative offenses under Part 1 of Article 20.25 of the CAO RF are considered by the officials of authorized bodies (Items 5, 6 of Part 2 of Article 23.3, Part 1 of Article 23.8, Part 1 of Article 23.36 of the CAO RF).

3. When an administrative penalty is imposed in the form of an administrative fine, it must be paid in full no later than sixty days from the effective date of the ruling or decision of the commercial court on the imposition of this type of administrative penalty, with the exception of the cases enshrined in Parts 1<sup>1</sup>, 1<sup>3</sup>-1<sup>3-3</sup> и 1<sup>4</sup> of Article 32.2 of the CAO RF, or from the expiry date of the deferral (installment plan) granted for the execution of the ruling or decision of the commercial court (Part 1 of Article 32.2, Article 31.5 of the CAO RF, Article 324 of the ComPC RF).

4. The term for payment of the administrative fine is calculated from the day following the effective date of the ruling or decision of the commercial court on the imposition of an administrative penalty (except for the case where the person brought to administrative responsibility is granted a deferral (installment plan) for the execution of the ruling or decision of the commercial court), and expires on the last day of the established period (Part 1<sup>1</sup> of Article 4.8, Part 1 of Article 32.2 of the CAO RF).

5. When determining the effective date of a ruling issued by a judge of a court of general jurisdiction, a body, or an official in a case of an administrative offense, it is necessary to take into account that if such a ruling has not been appealed or protested, it enters into legal force after the expiration of the period set for appeal of the same (Parts 1, 3 of Article 30.3, Item 1 of Article 31.1 of the

Administrative Code of the Russian Federation).

In cases of administrative offenses provided for in Articles 11.23, 11.26, 11.27 or 11.29 or Chapter 12 of the CAO RF, if they are committed using a vehicle registered in a foreign country, the decision to impose an administrative penalty becomes effective on the date of its issuance (Item 4 of Article 31.1 of the CAO RF).

6. In the event of an appeal or protest against a ruling of the judge of the court of general jurisdiction in a case of an administrative offense, the ruling enters into legal force on the day when a decision is made on the appeal or protest against this ruling (Items 1, 2 of Part 1 of Article 30.7, Item 3 of Article 31.1 of the CAO RF).

A ruling issued by a body or official in a case of an administrative offense and appealed (protested) in a court of general jurisdiction enters into legal force after the expiration of the period set for appealing a decision on an appeal or protest if the said decision has not been appealed or protested (Parts 1, 3 of Article 30.3, Part 3 of Article 30.9, Item 2 of Article 31.1 of the CAO RF).

7. The period for appealing a ruling that has not entered into legal force in a case of an administrative offense, issued by a judge of a court of general jurisdiction, a body, or an official, is ten days (for rulings that have not entered into legal force in cases of administrative offenses provided for in Articles 5.1–5.25, 5.45–5.52, 5.56, 5.58, 5.69 of the CAO RF – five days), which are calculated from the day following the day of delivery or receipt of a copy of the ruling; if the period for appeal expires on a non-working day, the last day is moved to the first following working day (Parts 1<sup>1</sup>, 3, 3<sup>1</sup> of Article 4.8, Parts 1, 3 of Article 30.3 of the CAO RF).

To determine the moment of delivery to or receipt by a person of a copy of the ruling on the imposition of an administrative fine in relation to him/her, one should be guided by the current provisions of the Code at the time of consideration of the case concerning the administrative offence within the framework of which the said ruling was issued (Part 3 of Article 1.7, Part 2 of –9 of Article 24.9 of the CAO RF).

8. The procedure for the entry into force of a decision of the commercial court in a case on bringing to administrative responsibility, as well as an administrative body's decision on bringing to administrative responsibility challenged in the commercial court, is regulated by the provisions of the Commercial Procedure Code of the Russian Federation (Part 4 of Article 206, Part 5 of Article 211, Parts 1, 3 of Article 229, Part 5 of Article 271 of the ComPC RF).

9. If a deferral (installment plan) is applied, the ruling on the imposition of an administrative fine specifies the start time of the execution of the same (Part 4 of Article 31.5 of the CAO RF).

A person who has been assigned an administrative penalty in the form of an administrative fine also has the right, within the time period set for its payment, to submit an application (petition) for a deferral or installment plan for the execution of an effective decision on the assignment of this administrative penalty, which is subject to consideration within three days with the issuance of an appropriate

ruling (Parts 1, 3 of Article 31.8 of the CAO RF).

The issue of granting a deferral (installment plan) for the execution of the decision of the commercial court is subject to consideration according to the provisions of Article 324 of the ComPC RF.

In the event of a ruling that grants a deferral (installment plan) for the execution of the decision of the commercial court on the imposition of an administrative penalty, including beyond the time limit set for the payment of an administrative fine, the imposed fine must be paid within sixty days from the day following the expiry date of the granted deferral (installment plan) (Part 1<sup>1</sup> of Article 4.8, Part 1 of Article 32.2 of the CAO RF).

10. If the end of the period for payment of an administrative fine falls on a non-working day, then the last day of this period shall be considered the first following working day (Parts 3, 3<sup>1</sup> of Article 4.8 of the CAO RF).

On the day following the last day of the deadline for payment of an administrative fine, the event of administrative offense occurs, provided for in Part 1 of Article 20.25 of the CAO RF. In this case, the beginning of the day shall be considered to be – 00:00:00 (Federal Law No. 107-FZ of June 3, 2011 "On Calculating Time").

11. The objective aspect of the administrative offense provided for in Part 1 of Article 20.25 of the CAO RF is expressed in the failure to pay the administrative fine in full within the required period, regardless of the administrative offense for which the person was assigned this type of punishment. Consequently, failure to pay an administrative fine imposed under Part 1 of Article 20.25 of the CAO RF constitutes a separate element of the administrative offense stipulated by that provision.

12. The subject of the administrative offence provided for in Part 1 of Article 20.25 of the CAO RF is a person who has been subjected to an administrative penalty in the form of an administrative fine and has not paid it: a citizen, a foreign citizen, a stateless person, an official, an unincorporated person carrying out entrepreneurial activity (hereinafter referred to as an individual entrepreneur), and a legal persons.

At the same time, persons who have not been subjected to administrative penalty in the form of an administrative fine, but who are granted the right by the Code to execute the decision on its imposition, cannot be recognized as subjects of the said administrative offense (Parts 1<sup>3-1</sup>, 1<sup>3-3</sup> of Article 32.2 of the CAO RF).

13. When assessing the arguments of a person in respect of whom proceedings are being conducted in a case on an administrative offence, as provided for in Part 1 of Article 20.25 of the CAO RF, it is necessary to take into account that the absence of guilt may be evidenced by circumstances beyond his/her control and preventing the payment of an administrative fine within the required period, which are subject to verification by the judge during the consideration of the case on an administrative offence (for example, being in a prolonged hospital treatment in a condition that does not allow the person to fulfill the relevant obligation; being in an area where an emergency situation regime has been introduced; inability to pay due to incorrect payment details in the ruling or

decision of the commercial court on the imposition of an administrative penalty, or illegibility of the details, provided that the person has taken the necessary measures to clarify the same) (Article 29.12<sup>1</sup>, Part 3 of Article 31.4, Article 31.8 of the CAO RF, Article 179 of the ComPC RF).

14. Verifying the arguments of a person regarding the absence of guilt in the failure to pay an administrative fine due to the seizure of his/her accounts, it should be established whether this person has taken all measures within his/her control to ensure the timely payment of the administrative fine, including to remove the seizure from the accounts or to find other funds for the purpose of the timely execution of the ruling on the imposition of an administrative penalty, and whether the person has applied for a deferral or installment plan for the payment of the administrative fine.

15. Non-receipt by a person of a copy of the ruling on the imposition of an administrative fine using a vehicle, issued in accordance with Part 3 of Article 28.6 of the CAO RF, because of being sent to the address specified in the vehicle registration card, which is not the address of the place of residence of the natural person (registered address of a legal person), provided that this person has not notified of a change of address in the manner prescribed by law, cannot be considered as a valid reason preventing the timely payment of an administrative fine, and does not indicate the absence of the elements of an administrative offence provided for in Part 1 of Article 20.25 of the CAO RF (Item 4 of Part 3 of Article 8, Item 2 of Part 4 of Article 10, Part 1 and sub-item "b" of Item 8 of Part 2 of Article 11, Parts 1 and 2 of Article 14 of Federal Law No. 283-FZ of August 3, 2018 "On State Registration of Vehicles in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation" (hereinafter referred to as the Federal Law on State Registration of Vehicles), Items 7, 8, 51 of the Rules for State Registration of Vehicles in the Registration Units of the State Traffic Safety Inspectorate of the Ministry of Internal Affairs of the Russian Federation, approved by Decree of the Government of the Russian Federation No. 1764 of December 21, 2019).

16. To determine the territorial jurisdiction of cases of administrative offenses provided for in Part 1 of Article 20.25 of the CAO RF, one should proceed from the provisions of the Code (Parts 1, 1<sup>2</sup> of Article 29.5 of the CAO RF), taking into account the fact that the objective aspect of the elements of this administrative offense is manifested as inaction.

A case of an administrative offense provided for in Part 1 of Article 20.25 of the CAO RF, committed by a natural person, including an official, an individual entrepreneur, is considered at his/her place of residence, in particular according to the address specified in the ruling on the imposition of an administrative fine if the report on the specified administrative offense is drawn up in the absence of the person (paragraph eight of Article 2 of Law of the Russian Federation No. 5242-I of June 25, 1993 "On the Right of Citizens of the Russian Federation to Freedom of Movement, Choice of Place of Stay and Residence within the Russian Federation").

The territorial jurisdiction of a case of an administrative offense under Part 1 of Article 20.25 of the CAO RF, committed by a legal person is determined based

on the address of the same in accordance with Article 54 of the Civil Code of the Russian Federation.

When a foreign citizen (stateless person) is brought to administrative responsibility under Part 1 of Article 20.25 of the CAO RF, the place of commission of this administrative offense is the place of residence or stay of the foreign citizen (stateless person) in the Russian Federation.

17. If the natural person brought to administrative responsibility does not have a place of residence or stay in the Russian Federation, as well as if an administrative offense is committed by a foreign legal person, the case of the said administrative is subject to consideration at the place of detection (the place where the report on the administrative offense was drawn up).

18. Cases of administrative offenses provided for in Part 1 of Article 20.25 of the CAO RF (in terms of non-payment of administrative fines imposed for administrative offenses provided for in Articles 11.23, 11.26, 11.27 or 11.29 or Chapter 12 of the CAO RF, committed on a vehicle registered in a foreign country), are subject to consideration at the place where such offenses were detected (Part 1<sup>2</sup> of Article 29.5 of the CAO RF).

19. Establishing the fact that a person was properly notified of drawing up a report on an administrative offense in respect of him/her, as provided for in Part 1 of Article 20.25 of the CAO RF, is of essential importance for the proper resolution of the case (Part 2 of Article 25.1, Item 4 of Part 1 of Article 29.4 of the CAO RF).

Thus, a proper notification of drawing up a report on the said administrative offense in respect of the vehicle owner on whom an administrative fine has been imposed in accordance with the procedure provided for in Part 3 of Article 28.6 of the CAO RF, may be considered to be a notification of such a person at the address of natural person's place of residence (registered address of a legal person) contained in the vehicle registration data if the official authorized to draw up the report on the administrative offense provided for in Part 1 of Article 20.25 of the CAO RF did not have information that the natural person had a different place of residence (the legal person had a different registered address) (Part 2 of Article 25.15 of the CAO RF, Article 11 of the Federal Law on State Registration of Vehicles).

20. Verifying the authority of an official to draw up a report on an administrative offense provided for in Part 1 of Article 20.25 of the CAO RF, it should be borne in mind that such a report may be drawn up by an official of a body or institution (including an official of a body or institution exercising their powers in a different community (a territorial unit of the same), municipality or constituent entity of the Russian Federation), by an authorized person of a collegial body that issued a ruling on the imposition of an administrative fine, who possesses the relevant competence by virtue of the list established by the authorized body in accordance with the tasks and functions assigned to it by federal law; in case of non-payment of the administrative fine imposed by a ruling issued by a judge, the report is drawn up by a bailiff (Part 4, Item 12 of Part 5 of Article 28.3, Part 5 of Article 32.2 of the CAO RF).

21. If the judge determines that there are drawbacks in the report on an

administrative offense and other case files, or the fact that the report was drawn up by an unauthorized person, or the incompleteness of the submitted files, which do not allow establishing, in particular, the date of the administrative offense (for example, the absence of a copy of the ruling or decision of the commercial court on the imposition of an administrative penalty in the form of an administrative fine or a note on the date of its entry into legal force, documents confirming the date of receipt of the ruling or decision of the commercial court on the imposition of an administrative fine (or a copy of the same) by the person brought to administrative responsibility (in particular, information from the postal tracking service, information about the delivery of the notification to the personal account in the federal state information system "Public Services (Functions) Portal of the Russian Federation", information from the electronic document management system of a participant in the commercial court proceedings), a ruling on the resolution of a submitted request for a deferral or installment plan for the execution of the ruling or decision of the commercial court on the imposition of an administrative fine), such a report and files thereto are subject to return to the body whose official drew it up (Article 29.1, Item 4 of Part 1 of Article 29.4, Item 3 of Part 2 of Article 29.9 of the CAO RF).

22. Case files of an administrative offense provided for in Part 1 of Article 20.25 of the CAO RF submitted to the court must contain information about the person against whom the case was initiated, including information characterizing his/her personality and necessary for the imposition of a specific type of administrative penalty, taking into account the requirements of the law (Part 6 of Article 3.5, Part 2 of Article 3.9, Part 3 of Article 3.13, Parts 2, 2<sup>2</sup>-3, 3<sup>2</sup>, 3<sup>3</sup> of Article 4.1, Articles 4.1<sup>2</sup>-4.3 of the CAO RF).

In the absence of relevant information, the report on the administrative offense and other case files may be returned to the body whose official drew up the report if the incompleteness of the submitted files cannot be filled in during the consideration of the case (Item 4 of Part 1 of Article 29.4, Item 3 of Part 2 of Article 29.9 of the CAO RF).

23. Due to the fact that the penal clause of Part 1 of Article 20.25 of the CAO RF provides for the possibility of imposing an administrative penalty not only in the form of an administrative fine, but also in the form of compulsory community service or administrative arrest, the case of such an administrative offense is subject to consideration with the participation of the natural person against whom it is initiated, on the day of receipt of the report on the administrative offense and other case files, and in relation to a person subjected to administrative detention, –no later than 48 hours from the time of his/her detention (Part 3 of Article 25.1, Part 4 of Article 29.6 of the CAO RF).

Taking this into account, if the natural person against whom a case has been initiated concerning the said administrative offence fails to appear in court, and if the case file does not contain information about circumstances that prevent the person from to be assigned an administrative penalty in the form of compulsory community service or administrative arrest, the report on the administrative offence and other case files can be returned by the judge to the body whose official drew up the report (Item 4 of Part 1 of Article 29.4, Item 3 of Part 2 of Article 29.9

of the CAO RF).

24. Due to the fact that a person who has not paid an administrative fine for committing an administrative offense provided for in Chapter 12 of the CAO RF and recorded using special technical means operating in automatic mode, having the functions of photography, filming, video recording, or means of photography, filming, video recording, cannot be assigned a punishment in the form of administrative arrest (Note 3 to Article 20.25 of the CAO RF), as well as in cases where the report on the administrative offense and other case files contain information about the person against whom the case was initiated, indicating the impossibility of applying administrative arrest to him/her, such a case is subject to consideration within two months from the date when the judge authorized to consider the case receives the protocol on the administrative offense and other case files (Part 1<sup>1</sup> of Article 29.6 of the CAO RF).

A case of an administrative offense, as provided for in Part 1 of Article 20.25 of the CAO RF, committed by a legal person is subject to consideration within the same period, since, subject to the penal clause of the said norm, such a person may be punished solely in the form of an administrative fine (Part 2 of Article 2.10 of the CAO RF).

25. If a judge has started the consideration of a case on an administrative offence under Part 1 of Article 20.25 of the CAO RF, and the natural person (or authorized representative of the legal person) against whom proceedings are being conducted in the case on an administrative offence fails to appear at the court hearing without good reasons and the judge has deemed his/her participation in the hearing mandatory, this person may be compelled to attend the hearing by a corresponding order (Article 27.15, Item 8 of Part 1 of Article 29.7 of the CAO RF).

26. In order to ensure the rights of the person in respect of whom proceedings are being conducted in case of an administrative offense under Part 1 of Article 20.25 of the CAO RF, the participation in the court hearing of a natural person (authorized representative of the legal person), whose presence during the consideration of the case is deemed mandatory by the judge, and who, for objective reasons, is not able to attend the hearing, can be provided by means of video conferencing systems, if technically possible, at the request of the said person or at the initiative of the judge (Article 29.14 of the CAO RF).

27. In cases of administrative offenses, as provided for in Part 1 of Article 20.25 of the CAO RF, the judge, when clarifying the existence of an event of administrative offense, must check whether the official who drew up the report on the administrative offense correctly calculated the deadline for payment of the administrative fine.

If, during the consideration of the case, the judge, having assessed the available and (or) additionally presented evidence, comes to the conclusion that the deadline for payment of the administrative fine did not expire at the time of drawing up the report on the administrative offense, the proceedings in the case of an administrative offense under Part 1 of Article 20.25 of the CAO RF are subject to termination due to the absence of an event of administrative offense (Item 1 of Part 1 of Article 24.5, Item 2 of Part 1, Item 1 of Part 1<sup>1</sup> of Article 29.9 of the CAO

RF).

Termination of the proceedings in the case does not exclude the possibility of drawing up a report on an administrative offense in respect of the person who has not paid the administrative fine under Part 1 of Article 20.25 of the CAO RF, indicating the correct date of the administrative offense.

28. An appeal (protest) of a ruling or decision of a commercial court on the imposition of an administrative fine that has entered into legal force is not grounds for postponing the consideration of the case on an administrative offence, as provided for in Part 1 of Article 20.25 of the CAO RF.

At the same time, the cancellation of the ruling or decision of the commercial court on the imposition of an administrative fine that has entered into legal force is a circumstance that precludes proceedings on the case of the said administrative offense (Item 1 of Part 1 of Article 24.5 of the CAO RF).

29. When resolving the issue concerning the possibility of termination of the proceedings in a case of an administrative offense under Part 1 of Article 20.25 of the CAO RF based on the recognition of the offense committed as minor, the judge, along with other established circumstances, can take into account that the failure to pay the administrative fine by the person within the period required by the Code occurred, in particular, due to payment details erroneously entered by the person in the payment order or due to incorrect details of the beneficiary of payment in the ruling or decision of the commercial court on the imposition of an administrative penalty, provided that the person did not take the necessary measures to clarify the details. The judge can also take into account that the obligation to pay the administrative fine was fulfilled by the person beyond the established period, but before the drawing up of the report on the administrative offence.

30. When assigning an administrative penalty to a person under Part 1 of Article 20.25 of the CAO RF, it must be taken into account that the amount of the administrative fine is calculated as double the amount of the unpaid administrative fine imposed by the decision on the imposition of the administrative penalty, and if such amount is less than one thousand rubles, then the administrative fine is assigned in the amount of one thousand rubles.

If a person has not paid an administrative fine in full, then the amount of the administrative fine for committing an administrative offense, as provided for in Part 1 of Article 20.25 of the CAO RF, is subject to calculation based on the entire amount of the administrative fine assigned by the ruling on the imposition of an administrative penalty, since partial payment of the administrative fine does not indicate the execution of the ruling issued in this regard (Part 2 of Article 31.2, Part 1 of Article 32.2 of the CAO RF).

31. In the presence of exceptional circumstances related to the nature of the administrative offense committed and its consequences, the personality and property status of the natural person brought to administrative responsibility, or the property and financial status of the legal person brought to administrative responsibility, the judge considering a case of an administrative offense, as provided for in Part 1 of Article 20.25 of the CAO RF, or an appeal (protest) against the ruling and (or) a decision on such a case can impose a penalty in the

form of an administrative fine in the amount of less than the amount of the administrative fine provided for by the penal clause of Part 1 of Article 20.25 of the CAO RF if the amount of the calculated administrative fine for citizens is at least ten thousand rubles, for officials –at least fifty thousand rubles, for legal persons –at least one hundred thousand rubles (Parts 2<sup>2</sup>, 3<sup>2</sup> of Article 4.1 of the CAO RF). However, the amount of the administrative fine imposed cannot be less than half of the calculated amount of the administrative fine (Parts 2<sup>3</sup>, 3<sup>3</sup> of Article 4.1 of the CAO RF).

32. In the person fails to pay administrative fines imposed by several rulings or decisions of commercial courts within the required period, an administrative penalty under Part 1 of Article 20.25 of the CAO RF is imposed for each fact of non-payment of the administrative fine, including in the event of simultaneous detection of such facts (Part 1 of Article 4.4 of the CAO RF).

Chief Justice of the Supreme Court of the  
Russian Federation

I.V. Krasnov

Secretary of the Plenary Session, Judge of  
the Supreme Court of the Russian  
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O.K. Zatelepin