

THE LEGAL NATURE OF MODEL LAWS OF THE INTERPARLIAMENTARY ASSEMBLY OF STATES-MEMBERS OF COMMONWEALTH OF INDEPENDENT STATES

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Introduction

The article shows on the basis of the analysis of judicial practice that the model laws of the Interparliamentary Assembly of the Commonwealth of Independent States (CIS) are used not only in the lawmaking process, but in the law application of the courts. The article entitled the practice of application of the Model law on the treatment of animals. The absence of Federal law on this issue has led to the fact that not only the litigants but the courts of various subjects of the Russian Federation use the specified model law to justify their position. While there are cases when the model law without proper grounds is considered by the courts as directly exercising the pre-emptive legal force over domestic legislation. The author shows that this approach is contrary to the legal nature of the model law as a purely recommendatory act aimed at the harmonization of legislation of the CIS countries, and concludes on the need to accelerate the adoption of the Federal law "About responsible treatment of animals".

The legal nature of model laws of the Interparliamentary assembly of states-members of commonwealth of independent states

During existence of the Commonwealth of Independent States by Interparliamentary Assembly (further: The MPA of the CIS) for the purpose of harmonization of the national legislation adopts the set of model laws (further: ML). Adoption of model laws is caused by need of reduction of the national legislation of the Commonwealth countries in compliance with the international precepts of law, ensuring integration processes in the CIS, rapprochements of the legislation of the State Parties and, eventually, creation uniform legal the field. These laws mention the different parties of regulation of the social relations,

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directly influencing contents of the national legislation of the states of the Commonwealth.

Advisory nature of model laws is constantly emphasized in official documents of the CIS. So, the Advisory board on work, migration and social protection of the population recommended to use model laws by preparation of national laws on modification and additions in the legislation of the State Parties of the CIS in the social and labor sphere [1].

In the Concept of cooperation of the State Parties of the CIS in counteraction to the human trafficking approved by the decision of Council of heads of states of the CIS of October 10, 2014 it is noted that the State Parties of the CIS take into account the model laws "About Counteraction to Human Trafficking" of April 3, 2008, "About assistance to the victims of human trafficking" of April 3, 2008, "About protection of children from information doing harm to their health and development" of December 3, 2009 [2].

However, the legal nature of model laws still was not exposed to the scientific analysis. In literature it is possible to meet only the general instructions on advisory nature of model laws though at the same time their importance for development of the national legislation is recognized. So, the Chairman of the Constitutional Court of the Russian Federation V.D. Zorkin called the model Code about judicial system and the status of judges for the State Parties of the CIS as the reference point for improvement of the Russian legislation in this area [3].

On the basis of studying of court practice the author makes the hypothesis that model laws are perceived not only in law-making, but also in law-enforcement activity of the courts as directly operating regulatory legal acts. Use of general scientific methods of knowledge – the analysis and synthesis, deduction and induction and also special methods of legal researches – comparative and legal, the method of the dogmatic analysis of legal documents, etc. allowed to confirm the made hypothesis and also to draw the conclusion on the inaccuracy of such practice as to the contradicting legal nature of model laws.

According to the Regulations on development of model legal acts and recommendations accepted by MPA of the CIS, the model legal act has advisory nature and is accepted by Interparliamentary Assembly "for the purpose of forming and implementation of the approved legislative activity of the State Parties of Interparliamentary Assembly on the questions which are of the general interest, reductions of the legislation of the State Parties of the Commonwealth in compliance with the international treaties signed within the Commonwealth and other international treaties" [4, item 1.2].

However, as practice shows, model laws are perceived not only in law-making, but also in law-enforcement activity, first of all in judicial. For example, the Constitutional Court of the Russian Federation in one of the determinations

appealed to Art. 10 of ML "About Counteraction to Human Trafficking" [5] according to which the crimes making human trafficking are qualified [6].

In courts of law by consideration of disputes on the right, the parties in justification of the requirements also refer to ML MPA. Most often it is connected with aspiration not only participants of legal procedure, but also court to find additional arguments in justification of the position, to support it with the authority of the international organization which adopted the model law. Sometimes references to ML MPA are caused by lack of necessary interstate regulations.

The greatest response in court practice got the Model law on the treatment of animals oriented to the humane attitude towards animals including vagrant, regulating cases of their possible killing and prohibiting use at the same time of the painful methods causing sufferings of animals.

So, fall of 2012. the Ukhta city court of the Komi Republic considered the claim of the prosecutor of Ukhta for the benefit of uncertain group of people to Management of housing and communal services of administration of the Municipality of the city district Ukhta about recognition of invalid items 2.3.9 of the municipal service provision contract on catching, overexposure, the lulling to slip and utilization of neglected dogs in the territory of the municipal district and pct 1.4 and 1.5 of appendix to the contract. It was provided in the disputed points that Ukhtaspetsavtodor as the contractor of the contract "undertakes to provide overexposure of the caught neglected dogs not less than five calendar days and their feeding during overexposure at own expense; after the expiration of overexposure animals are subject to the lulling to slip with the subsequent utilization". The court recognized these terms of the contract contradicting the legislation and invalid (insignificant) as, establishing the five-day term of overexposure, the defendant limited the rights of the owner.

According to Art. 137 of the Civil Code of the Russian Federation [7] the general rules about property are applied to animals as far as the law or other legal acts do not establish other. At implementation of the rights the animals abuse contradicting the principles of humanity is not allowed. Art. 231 of the Civil Code of the Russian Federation provides that the person which detained neglected animals and the person to whom they are transferred to contents and to use are obliged to support properly them and with fault are responsible for death and damage of animals within their cost; if within six months from the moment of the statement for detention of neglected pets their owner is not found or itself will not declare the right to them, the person at whom animals were on contents and in use, acquires the property right to them, and at failure of this face of acquisition in property of the animals who were contained at it they come to municipal property and are used in the order determined by local government.

Considering case on the petition for appeal, the Judicial board on civil cases of the Supreme Court of the Komi Republic used for the argumentation of

the position of provision of ML "About the Treatment of Animals" according to which "regulation of number of neglected animals is carried out by their catching for the purpose of prevention: uncontrollable reproduction of neglected animals; domestications to health and (or) property of citizens, property of the organizations; developing of the epizooty and (or) emergency situations connected with infectious diseases which carriers can be animals (Art. 30); for temporary contents withdrawn or otherwise the aloof animals found or the caught neglected animals and search of their owners or new owners by the organizations performing catching of neglected animals points of temporary keeping of animals where they contain certain time are created, and then, at not demand by the owner, contraceptions or biosterilizations with the subsequent return of these animals to places of their catching can be subjected" (Art. 32). The basic principle of the treatment of animals is humanity and catching of neglected animals also shall be performed taking into account this principle and provide the possibility of return of the animal to his legal owner. Killing of animals is allowed only in the cases given in Art. 35 of the Model law.

The board recognized unreasonable the reference to the Standard of the municipal service "Catching and Utilization of Neglected Animals" approved by administration of the municipal district Ukhta which provided keeping of the caught animals in collection point and overexposures within five calendar days. These provisions of the standard were recognized contradicting the regulatory legal acts having big legal force. As a result, the decision of the Ukhta city court was left without change (*Appeal determination of the Supreme Court of the Komi Republic of 27.12.2012 on the case No. 33-5975AP/2012*. – Hereinafter judicial acts are provided on Union of Right Forces Consultant Plus).

Judicial board on civil cases of the Novosibirsk regional court, considering the petition for appeal on the decision of the Central district court of Novosibirsk, also addressed ML "About the Treatment of Animals" specified provisions and recognized illegal activity of "The Novosibirsk center for problems of pets" "regarding killing of neglected animals without ensuring their keeping in specialized nursery within at least six months and without vaccination against rage and regarding application for euthanasia of animals of the medicine "Adilin" and other kurarepodobny medicines" (*Appeal determination of the Novosibirsk regional court on the case No. 33-4893-2014*).

Considering similar case according to the petition for appeal on the decision of Cheryomushki district court of Moscow of May 17, 2016, the Judicial board on civil cases of the Moscow city court, recognized that the trial court was guided by the rules of law which are subject to application to disputable legal relationship and specified among them Art. 25 of ML "About the Treatment of Animals". Without having found the bases for cancellation the judgments, the board left it without

change, and the petition for appeal – without satisfaction (*Appeal determination of the Moscow city court of 26.10.2016 on the case No. 33-41212/2016*).

The decision of the Moscow district court Cheboksary of the Chuvash Republic of May 17, 2012 it was forbidden to apply Adilin medicine and its analogs to neglected animals and also to destroy neglected animals in defiance of the established procedure of keeping of dogs, cats in the cities and other settlements of the Chuvash Republic. Having analyzed provisions of regulations, the court came to the conclusion that catching of neglected animals shall be performed on the principles of humanity and when catching neglected animals, it is necessary to provide the possibility of return of the animal to his legal owner.

Appeal board of the Supreme Court of the Chuvash Republic, considering case on the second instance, checked legality and justification of the decision made by court, relying among others acts on provisions of ML "About the Treatment of Animals", noted that in the judgment are stated with sufficient completeness important in the matter of the circumstance, the analysis of proofs is carried out that it is taken out at respect for regulations of the procedural law and according to the regulations of the substantive right which are subject to application to these legal relationship and left the decision without change (*Appeal determination of the Supreme Court of the Chuvash Republic of 15.08.2012 on the case No. 33-2628-12*).

In July, 2013 Judicial board on civil cases of the Stavropol regional court, considering case on the petition for appeal on the decision of the Yessentuki city court of Stavropol Region in the claim of the Stavropol interdistrict nature protection prosecutor in protection of interests of uncertain group of people in Plant of improvement of the city of Yessentuki, referred to the station of Art. 30-31 of ML "About the Treatment of Animals" (*Appeal determination of the Stavropol regional court of 23.07.2013 on the case No. 33-3951/13*).

Courts recognize legal value not only the most model law, but also appendix to it which contains the list of potentially dangerous breeds of dog. So, Judicial board on civil cases of the Supreme Court of the Republic of Tatarstan, considering the petition for appeal on the decision of the Nizhnekamsk city court of the Republic of Tatarstan of March 24, 2014 noted that according to appendix to ML "About the Treatment of Animals", to potentially dangerous breeds of dog sheep-dogs, such as East European, walnut, Caucasian, German, Daufman's sheep-dog, Romanian, Central Asian, South Russian are carried. It allowed court to qualify the sheep-dog as the source of the increased danger and to take out for benefit of the victim of its stings, the decision on compensation of the harm done to it irrespective of availability of fault of the owner. Judicial board, having changed the size of compensation of moral harm to the victim, upheld for the rest the judgment (*Appeal determination of the Supreme Court of the Republic of Tatarstan of 16.06.2014 on the case No. 33-7967/2014*).

Appeal board on civil cases of the Vologda regional court in July 2013, considering the petition for appeal on the decision of the Cherepovets district court on indemnification caused by attack of two dogs of breed the Central Asian sheep-dog attracted as additional arguments of provision of ML "About the Treatment of Animals". She specified that according to Art. 1 of ML such dogs are carried to potentially dangerous breeds of dog, possessing genetically determined qualities of aggression and force, and could not be on the street without owner, at the same time even the owner shall bring them in muzzles or on short leads. In this regard the board acknowledged legality of the judgment of the first instance which assigned the duty to compensate not only property, but also moral harm (physical or moral sufferings) to the victim of their attack to the owner of dogs (*Appeal determination of the Vologda regional court of 03.07.2013 No. 33-2989/2013*).

References to ML meet in court practice not only by consideration of civil disputes, but also at permission of cases of contest of regional and municipal regulatory legal acts. Such cases till September 15, 2015 were considered by vessels of the general and arbitration jurisdiction in procedures of civil and arbitral proceeding, though with some features. After enforcement of the Code of administrative legal proceedings of the Russian Federation [9] they are permitted according to regulations of this code.

For example, the Supreme Court of the Republic of Buryatia considered on the basis of this code the administrative application of Regional public organization "Zoodefenders of Buryatia" for recognition by invalid item 15.1 of the Order of catching, transportation and the keeping of neglected pets in the Republic of Buryatia approved by the order of the Government of the Republic of 08.07.2014 No. 318 regarding providing that "terms of keeping of the run wild pets in shelters are established by the regulatory legal act of Veterinary Department of the Republic of Buryatia. The run wild pets who are not transferred to new owners not demanded by physical persons and legal entities are subject to the lulling to slip on the basis of the conclusion of the specialist in the field of veterinary science".

At decision on this case, the Supreme Court of the republic among regulations used also Art. 35 of ML "About the Treatment of Animals" according to which "killing of animals, including neglected pets, is allowed for the termination of sufferings of the animal if they cannot be stopped by the different way; in case of availability at animal rage or other incurable infectious disease or if the animal is the carrier of this disease; in case of impossibility of implementation of contraception or biosterilization of the unclaimed caught neglected animals partners; in the condition of necessary defense or in the condition of emergency at protection of life, health, the rights of the defending or other person, interests

of society and the state". At the same time the court emphasized advisory nature of the model law.

The court noted that from the disputed regulation of the Order of catching, transportation and keeping of neglected pets in the Republic of Buryatia does not follow that "the run wild pets who are showing aggression having indications according to veterinary health regulations are subject to the lulling to slip the bases for the lulling to slip of the run wild pets and also requirements to contents of the conclusion of the specialist in the field of veterinary science are not specified". Therefore, uncertainty of contents of the precept of law is created, her uniform understanding is not provided and the possibility of the unlimited discretion in law-enforcement practice is allowed. In practice the specialized organizations with which contracts for performance of works on catching, transportation and keeping of neglected pets, after 3 and 7 days of their contents in shelters are signed perform the lulling to slip of all caught animals, including those which are healthy are not shown by aggressions, are capable to adapt to living conditions in the shelter. Taking into account it the court recognized paragraph 4 of item 15.1 of the disputed regulatory legal act invalid (*The decision of the Supreme Court of the Republic of Buryatia of 14.03.2017 on the case No. 3a-28/2017*).

In December, 2015 the Khabarovsk regional court granted the application of regional social movement of zooprotection and help to homeless animals "Mercy" about recognition invalid some provisions of the Law of Khabarovsk Region of 23.11.2011 No. 146 "About investment of local governments with separate state powers of Khabarovsk Region on the organization of holding actions for the prevention and liquidation of diseases of animals, their treatment, catching and keeping of neglected animals, protection of the population against diseases, the general for the person and animals". According to item 4 of the p. 3 of Art. 1 of the law euthanasia of neglected animals in 12 days after their catching at absence on the animal of identification tags or other objects with information allowing to establish unambiguously the owner (owner) was permitted.

That implementation of the subject of the Russian Federation of powers by authorities on the specified questions does not assume any killing of neglected healthy animals without identification tag in case of their detention as it is provided by the disputed regional law the court noted that according to ML "About the Treatment of Animals" euthanasia is allowed in case of need the terminations of sufferings of the animal if they cannot be stopped by the different way, in case of availability at the animal incurable infectious disease or if the animal is the carrier of this disease, animal with symptoms of rage and also at the aggressive behavior posing threat to life and (or) health of the person.

On the basis of it the court recognized that the euthanasia of neglected healthy animals provided by the disputed item 4 of the p. 3 of Art. 1 of the specified regional law in 12 days after their catching at absence on the neglected animal

of identification tags, other objects with information allowing to establish unambiguously the owner (owner) cannot be considered as conforming to the requirements of humanity for the treatment of animals formulated in Art. 137 of the Civil Code of the Russian Federation. (*Appeal determination of the Supreme Court of the Russian Federation of 06.04.2016 No. 58-APG16-2*).

In all the considered cases references to ML "About the Treatment of Animals" were used for justification of the made decision. However recently in court practice more careful approach to assessment of the role of model laws is observed. Courts cease to perceive unconditionally references of participants of legal procedure to them as additional arguments for justification of the position.

So, the Perm regional court considered the administrative claim of the first deputy prosecutor of Perm Region for contest of Rules of catching, registration, accounting and keeping of the neglected animals in the territory of Perm Region approved by the Order of the Government of Perm Region of July 9, 2014 No. 596-p, and Order of carrying out monitoring by determination of quantity of neglected animals in the territory of Perm Region approved by the Order of the State veterinary inspection of edge of 27.06.2016 (in the edition of 23.01.2017).

The court concluded that now the federal legislator does not settle questions of the treatment of neglected animals and the commonly accepted order of their contents is not established (by types and terms of contents). Thus, the subject of the Russian Federation has the right to establish the term of keeping of neglected animals in special receivers, considering time necessary for carrying out veterinary inspections, vaccination, identification and accounting of neglected animals. The court recognized that the state powers on carrying out monitoring by determination of quantity of neglected animals were not delegated to local governments of Perm Region by the law of Perm Region, both met the requirement and recognized the Order of carrying out monitoring invalid completely, and Rules of catching, registration, accounting and keeping of neglected animals in the territory of Perm Region in the part.

At the same time the court specified that exile of Inspection to justification of objections in the administrative claim in this part on provisions of ML "About the Treatment of Animals" "is wrong as model laws are acts of advisory nature and the specified Model law does not belong to the regulatory legal acts having big legal force in comparison with the federal legislation" (*The decision of the Perm regional court of 01.06.2017 on the case No. 3a-93/2017*).

If the model law in trial court is given character of the operating regulatory legal act having preferential legal force before interstate acts, including federal and regional laws, the error is corrected by court of the second instance during consideration of the petition for appeal.

For example, the Rostov regional court in September 2016 considered the administrative claim for contest of the number of regulations of Rules of

catching and keeping of the neglected animals in the territory of the Rostov region approved by the order of the Government of the Rostov region of July 14, 2016 No. 489. Rules are developed for the purpose of ensuring sanitary and epidemiologic wellbeing of the population and the organization in the territory of the area of actions for catching and regulation of number of neglected animals by catching, sterilization, vaccination and selective return of neglected animals to the former habitat.

The court stated absence in the federal legislation of prohibition to return the caught healthy neglected animals to places of catching after their survey by specialists, processing, vaccination, sterilization (castration) and tagging and drew the conclusion on compliance of the disputed legal instructions to the basic principle of the treatment of animals – to the principle of their protection against ill treatment. In justification of the position the court referred to regulations of the p. 2 of Art. 33 of ML "About the Treatment of Animals" on the possibility of return of the caught neglected animals to places of their catching. At the same time the court specified that the Model law "is subject to application to disputable legal relationship and has big legal force in relation to other legal acts of the state containing regulations about the treatment of animals".

Such assessment of legal value of the model law appealed objections of Judicial board on administrative cases of the Supreme Court of the Russian Federation which did not agree with the position of trial court. The board noted that the analysis of the legislation in its system unity demonstrates that "the federal legislator, regulating the questions concerning neglected animals, provides not only their catching, but without fail and keeping in special nurseries... The government of the Rostov region, having accepted the legal instructions disputed by the administrative claimant about return of neglected animals to the former habitat, went beyond the powers conferred to it by the federal legislation. The board rejected the reference of court to regulations of ML "About the Treatment of Animals" as model laws are acts of advisory nature for the purpose of rapprochement of legal regulation of specific types (groups) of the public relations in the states of the Commonwealth.

Having noted that "the model law does not belong to the regulatory legal acts having big legal force in comparison with the federal legislation", the Judicial board on administrative cases of the Supreme Court of the Russian Federation cancelled the decision of the Rostov regional court and made on case the new decision which recognized as invalid pct 1.1, 1.5, 1.8, 5.4, 8.19, 11.1 and 11.2 of Rules of catching and keeping of neglected animals in the territory of the Rostov region (*Appeal determination of the Supreme Court of the Russian Federation of 25.01.2017 No. 41-APG16-12*).

Wide use in vessels of references to ML "About the Treatment of Animals" in many respects was promoted by availability in the model law of the clause that

"before reduction of the legislation of the state in compliance with this law acts of the legislation of the state are applied in that part in which they do not contradict this law if other is not established by the constitution of the state" (item 1 of Art. 40).

At the same time in court practice in justification of involvement of ML "About the Treatment of Animals" it is possible to meet references to Art. 15 of the Constitution of the Russian Federation. So, in the resolution of the Third arbitration Court of Appeal after excerpt from item 8 of Art. 35 of the Model law prohibiting "killing of animals by the methods leading to their death from suffocation, the overheat, overcooling, use of curare-like medicines, ammonia and its solutions, medicines of group of myorelaxant, and other painful methods, except as specified, provided by subitem 9 of item 1 of this article and also killing of animals in the presence of minors", it is specified: "Need of accounting of these provisions follows from part 4 of article 15 of the Constitution of the Russian Federation where it is told that the conventional principles and rules of international law and the international agreements of the Russian Federation are the component of its system of law and if the international treaty of the Russian Federation establishes other rules than provided by the law, then rules of the international treaty are applied" (*The resolution of the Third arbitration Court of Appeal of 28.07.2017 on the case No. A33-25040/2016*).

It is represented that there are no bases to equate the model law to the international treaty and to include it in system of international legal documents which provisions according to the Constitution of the Russian Federation prevail over domestic laws.

It should be noted, first of all, that the international treaty purchases legal force after its ratification by the federal law owing to what it also occupies a fitting place in system of regulatory legal acts of the Russian Federation. The model law MPA of the CIS does not demand any ratification. It has no imperative character. Its legal value for member states of the CIS is defined by Regulations on development of model legal acts and recommendations of MPA of the CIS. It is provided in it that "use of model laws in general or their separate provisions by parliaments of the State Parties of Interparliamentary Assembly can be performed by development and acceptance of interstate regulatory legal acts and also modification and additions in the operating regulatory legal acts" (item 8.3).

In the Russian Federation in 2011 the federal law draft "About the Responsible Treatment of Animals" was developed. It was submitted for consideration of the State Duma by group of People's Deputies. The project caused the number of the note of the State Duma Committee on local government which in the conclusion on the project noted that the idea of reference of shelters for animals to municipal property did not cause in members of the committee of unambiguous support and needs further discussion.

The number of notes was made also by legal department of State Duma administration which, in particular, recognized need of entering of corresponding changes into the Federal law "About the General Principles of the Organization of Local Government" as local governments are also not given authority on the organization of catching of neglected animals. With respect thereto, it is necessary to concretize whose powers the organization of catching of neglected animals and who will finance this activity treats.

March 23, 2011. The State Duma adopted the bill in the first reading and charged to Committee on natural resources, environmental management and ecology to collect in 30-days time notes on the project and to prepare it for the second reading [10]. However further passing of the bill dragged on, and still the law is not adopted.

Lack of the federal law in many respects also predetermined that attention which court practice pays to ML "About the Treatment of Animals", allowing sometimes its too free application when not only the parties, but also courts at pronouncement of the resolutions rely on provisions of model laws as international legal regulations. It is obvious that for overcoming such situation it is necessary to activate law preparing process and to adopt, at last, the much-needed federal law. It will allow to overcome the distortions of the legal nature of model laws, giving which are observed in modern court practice of preferential legal force not inherent to them by it before national laws. They are accepted for the purpose of increase in coordination of legislative activity of parliaments of the states, act as standard acts, some kind of legal standards of the CIS which are implemented by sovereign solutions of member states of Community.

Notes:

[1] The Advisory board on work, migration and social protection of the population recommended to use model laws by preparation of national laws on modification and additions in the legislation of the State Parties of the CIS in the social and labor sphere.

[2] Concept of cooperation of the State Parties of the CIS in counteraction to the human trafficking approved by the decision of Council of heads of states of the CIS of October 10, 2014.

[3]. Chairman of the Constitutional Court of the Russian Federation V.D. Zorkin called the model Code about judicial system and the status of judges for the State Parties of the CIS as the reference point for improvement of the Russian legislation in this area.

[4] Regulations on development of model legal acts and recommendations accepted by MPA of the CIS.

[5] The Constitutional Court of the Russian Federation in one of the determinations appealed to Art. 10 of ML "About Counteraction to Human Trafficking".

[6] According to Art. 10 of ML "About Counteraction to Human Trafficking".

[7] Art. 137 of the Civil Code of the Russian Federation.

[8] Committee on natural resources, environmental management, and ecology.

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Code of administrative legal proceedings of the Russian Federation of 08.03.2015 No. 21-FZ. In the edition of 29.07.2017 No. 274-FZ // SZ Russian Federation. 2015. No.10. Art. 1391;2017. No.31. P. I. Art. 4823.

The resolution of the State Duma of the Federal Assembly of the Russian Federation of 23.03.2011, No. 5002-5 of the State Duma "About the federal law draft No. 458458-5 "About the responsible treatment of animals" // SZ Russian Federation. 2011. No.14. Art. 183.

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Abstract

The article shows based on the analysis of judicial practice that the model laws of the Interparliamentary Assembly of the Commonwealth of Independent States (CIS) are used not only in the lawmaking process, but in the law application of the courts. The article entitled the practice of application of the Model law on the treatment of animals. The absence of Federal law on this issue has led to the fact that not only the litigants but the courts of various subjects of the Russian Federation use the specified model law to justify their position.

Key words: model law, court decision, national law, the appeal determination, the legal force of Federal law.

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