



# Legal Regulation of Military Transport Obligation in the Russian Federation



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## ABSTRACT

The article examines the essence, characteristics of normative legal regulation and problematic aspects of implementation of military transport obligation in the Russian Federation. The author notes that in difficult modern conditions, fulfilment by citizens and organisations of their constitutional responsibilities to ensure the defence of the country and the security of the state is an important area of preserving the sovereignty and territorial integrity of Russia. The social, historical and legal roots of military transport obligation are described. It has been studied that in Russia, the legal acts at the federal level have established necessary regulatory and legal requirements, characterised by completeness, accessibility for

acquaintance and general elaboration of regulated issues. Military transport obligation in the country has been established to provide state armed forces with vehicles during the period of mobilisation and during wartime. The paper substantiates that military transport obligation appears to be an important structural and functional construct in the material, technical and regulatory support of the country's defence capability and state security. The author has formulated specific proposals for improving the current state legal regulation of the issue under consideration, to increase the level of mobilisation readiness of vehicles and ensure better performance of military transport obligation.

**Keywords:** transport military transport obligation, mobilisation preparation, mobilisation, vehicles, legal acts, cost compensation.

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## INTRODUCTION

In the modern conditions of transformation of the world legal order, military problems of international law are become more actual [1], since they are intended to regulate a wide range of different legal relations arising from the need to counter new multi-vector threats to international security, in general, and the national security of Russia, in particular [2]. International law and international humanitarian law have been experiencing crisis trends for some time now. We are forced to observe numerous practical evidence of this, as well as a real deepening of contradictions between countries everywhere, which is also noted in the scientific literature [3–6].

Military security and military organisation of the state are closely interconnected with certain institutions and sections of military law, including recruitment for a military organisation, military service, legal responsibility, socio-legal institutions, logistics, etc. [7].

One of the most important components of mobilisation preparation and mobilisation in Russia is military transport obligation, the essence of which is to carry out a set of measures to account, prepare, reserve and provide vehicles to the Armed Forces and other troops and constantly ensure their performance and maintenance. Considering the continuing military threats to the Russian Federation, these issues are objectively becoming more actual, forcing attraction of closer attention from both the state and researchers [8–14].

In this regard, constructive criticism in the review of the fundamental three-volume monograph «Military Law» edited by Corresponding Member of the Russian Academy of Sciences A. N. Savenkov [4–5], published this year, seems logical. Thus, the reviewers noted that the most acute problems seem to be accounting and preparation for transfer, the actual transfer of equipment to both legal entities and individuals, its further use and return, as well as payment of compensation in case of its damage or destruction [15].

Being one of the co-authors of this monograph and completely agreeing with the reviewers, in this article the author tried to compensate for this shortcoming. Thus, the *objective* of the article is in-depth study of the essence and characteristics of legal regulation and problematic issues of the implementation of military transport obligation.

## RESULTS

### Regulatory and Legal Characteristics of Military Transport Obligation

Legal acts at the federal level in the Russian Federation have established the necessary regulatory and legal requirements, characterised by completeness, accessibility for acquaintance and general elaboration of regulated issues. Military

transport obligation in our country was established to provide state armed forces with vehicles during the period of mobilisation and during wartime. To implement military transport obligation, vehicles must be understood as railway, water, air, pipeline, automobile, horse-drawn and pack transport, motorcycles, fishing and special vessels, tractors, road-building, hoisting and other machines and mechanisms.

The legal basis for military transport obligation is formed by the Federal constitutional laws «On martial law» and «On the state of emergency», the Federal laws «On mobilisation preparation and mobilisation in the Russian Federation», «On defence», «On countering terrorism» and the Decree of the President of Russia dated October 2, 1998 No. 1175, «On approval of the Regulations on military transport obligation», which establish that military transport obligation applies to federal executive authorities; executive authorities of the federal constituent entities of the Russian Federation and local government authorities; organisations, regardless of their form of ownership, that are owners of vehicles; citizens who are vehicle owners.

### Historical and Legal Aspect of Military Transport Obligation

It should be noted that the military transport obligation is not something new for Russian legislation. It came to it with some changes from Soviet legislation, in which it had been first established by the Decree of the Central Executive Committee and the Council of People's Commissars of the USSR of January 11, 1924, «On military horse and military cart conscription» and the Resolution of the Central Executive Committee and the Council of People's Commissars of the USSR of 22.02.1924 «On military motor transport obligation». These legislative acts were declared repealed by the Decree of the Presidium of the USSR Supreme Soviet of May 15, 1970, No. 5118-UP, which introduced the Regulations «On Military Transport Obligation» from June 1, 1970.

Military transport obligation in accordance with these Regulations was provided for not only during wartime and during mobilisation, but also in peacetime, «when transferring troops to a position of certain degrees of combat readiness or in other emergency situations». It applied to owners of railway, sea, river, air, and pipeline transport, to owners of fishing and special vessels, tractors, road construction and lifting and transport machines and mechanisms, as well as to ports, marinas, airports, airfields, oil depots, transshipment fuel depots, transport maintenance enterprises and other organisations that ensure operation of transport vehicles.

Vehicles were used temporarily or confiscated from their owners and transferred to the armed

forces of the USSR by ministries, departments, as well as enterprises, institutions, and organisations free of charge. For vehicles belonging to collective farms and individual citizens, payment of their value was expected according to procedure determined by the Council of Ministers of the USSR.

Inspection of the technical condition of motor vehicles intended for transfer to the armed forces of the USSR was carried out by the State Automobile Inspectorate of the USSR Ministry of Internal Affairs with participation of bodies of the USSR Ministry of Defence [16].

### **Contents of Military Transport Obligation**

Currently, federal executive authorities, executive authorities of federal constituent entities of the Russian Federation, local government authorities and organisations perform military transport obligation in peacetime by carrying out activities related to registration of vehicles, as well as by advance preparation of vehicles provided to troops and authorities and ensuring the operation of these vehicles in accordance with mobilisation tasks. During the period of mobilisation and in wartime, it is implemented by providing troops, units and bodies with vehicles and ensuring their work in accordance with mobilisation tasks.

For these purposes, mobilisation tasks are established by the Government of the Russian Federation for federal executive authorities, executive authorities of federal constituent entities of the Russian Federation; by heads of executive authorities of the federal constituent entities of the Russian Federation for local government authorities, which ensure their implementation by organisations located on their territories. In addition, such tasks are established for organisations according to the procedure determined by the regulatory legal acts of the Russian Federation.

The list of vehicles provided to troops, units and bodies is established by the Order of the Russian Ministry of Defence dated March 14, 2014, No. 151, «On approval of the List of vehicles provided to the Armed Forces of the Russian Federation, other troops, military units and bodies, as well as for special units created for wartime, and the Procedure for recording vehicles provided to the Armed Forces of the Russian Federation, other troops, military units and bodies, as well as special units created for wartime»<sup>1</sup> and by the Order of the Russian Ministry of Defence dated January 21, 2014, No. 15, «On approval of lists of water transport, special vessels and vessels of the fishing fleet provided to troops, military units and bodies, and the Procedure for registering water transport,

special vessels and vessels of the fishing fleet in the Armed Forces of the Russian Federation» (as amended and complemented)<sup>2</sup>.

The Order of the Ministry of Defence of Russia dated June 10, 2021, No. 342, made a number of changes to the of the Russian Ministry of Defence of March 14, 2014, No. 151, regarding the List of vehicles provided to the Armed Forces of the Russian Federation, other troops, military units and bodies, as well as special units created for wartime (Appendix No. 1) and the Procedure for recording vehicles provided For the Armed Forces of the Russian Federation, other troops, military units and bodies, as well as special units created for wartime (Appendix No. 2)<sup>3</sup>.

Federal executive authorities, executive authorities of federal constituent entities of the Russian Federation, local government bodies and organisations prepare and ensure operation of vehicles provided to troops, units and bodies. The Russian Ministry of Defence, in agreement with the Russian Ministry of Economic Development and the Russian Ministry of Finance, determines a list of measures and mandatory requirements, as well as forms of documents defining mobilisation readiness and ensuring the operation of vehicles provided to troops, units and bodies.

The selection of vehicles of organisations to ensure mobilisation readiness should be carried out jointly with representatives of the troops, units and bodies to which they are to be supplied. For these purposes, vehicles must be kept in a state of readiness for provision to troops, units and bodies. Organisations are required to carry out preparatory measures for installing special equipment on the presented vehicles, as well as for checking the availability and technical condition of vehicles in accordance with the requirements of current instructions and rules. To maintain vehicles in good condition, the accumulation, storage and renewal of stocks of material assets of the mobilisation reserve and other property are carried out in accordance with mobilisation tasks.

In necessary situations, organisations must ensure that troops, units and bodies are provided with information about availability and technical condition of vehicles. To allow inspections of the mobilisation readiness of vehicles, organisations are required to provide access to representatives of federal executive authorities, executive authorities of federal constituent entities of the Russian Federation, local government authorities, military commissariats, military command and control bodies and of troops, units and bodies. The procedure, transfer points and timing for provision of vehicles to troops, formations and bodies are

<sup>1</sup> [Electronic resource]: <https://garant.ru/products/ipo/prime/doc/70606938/>.

<sup>2</sup> [Electronic resource]: <https://base.garant.ru/70706938/>.

<sup>3</sup> [Electronic resource]: <https://base.garant.ru/402833506/>.



established by the Ministry of Defence of the Russian Federation, the relevant information is communicated to organisations in peacetime.

Organisations provide vehicles to troops, units and bodies on time at transfer points with appropriate documentation, in technically sound condition. Delivery of vehicles to transfer points, carrying out preparatory measures for the installation of special equipment on them, re-equipment or retrofitting of vehicles are carried out by the forces and means of organisations.

In peacetime, troops, units and bodies have the right to attract vehicles intended for provision to them (except for vehicles owned by citizens). This occurs in the case of exercises and training on mobilisation deployment and implementation of mobilisation tasks, as well as during experimental activities for conversion and (or) retrofitting of vehicles, relevant tests of special equipment installed on them, and checks of the readiness of vehicles for provision to troops, units and bodies. The number of vehicles involved in these cases by troops, units and bodies, and the timing of their involvement are determined by the Government of the Russian Federation.

Military transport obligations are fulfilled by citizens in wartime by providing troops, units and bodies with the vehicles they use. At the same time, citizens are issued documents confirming the provision of vehicles.

Lists of vehicles to be provided to troops, units and bodies by citizens are established by the Ministry of Defence of the Russian Federation. The procedure for registering citizens' vehicles is determined by the Ministry of Defence of the Russian Federation in agreement with the authorities carrying out state registration of vehicles. For these purposes, in accordance with the Decree of the Government of the Russian Federation dated August 12, 1994, No. 938, «On state registration of motor vehicles and other types of self-propelled equipment on the territory of the Russian Federation», a joint Order of the Ministry of Internal Affairs of the Russian Federation and the Ministry of Defence of the Russian Federation dated September 21, 2009, No. 724/ 881, «On the procedure for interaction between units of the State Road Safety Inspectorate of the Ministry of Internal Affairs of the Russian Federation and military commissariats when providing information about vehicles registered for citizens of the Russian Federation and subject to registration in military commissariats» was issued<sup>4</sup>.

Not long ago, registration, changes in registration data associated with a change in the type (purpose) of vehicles or information about the owner, deregistration of cars, car trailers and semi-

trailers intended for them, buses, truck cranes, heavy-duty motorcycles with sidecars belonging to legal entities, as well as the specified actions in relation to all-terrain passenger cars (all-wheel drive) of domestic production, trucks and special vehicles on truck chassis, trailers and semi-trailers for them, truck cranes, buses and heavy-duty motorcycles with sidecars owned by individuals, were carried out after the appropriate marks from the military commissariat, but currently this is done without participation of vehicle owners.

The military transport obligation does not apply to diplomatic missions and consular offices of foreign states, foreign and international organisations, foreign citizens and stateless persons.

Inspection of the technical condition of vehicles provided to troops, units and bodies is carried out by divisions of the State Road Safety Inspectorate of the Ministry of Internal Affairs of the Russian Federation and other bodies of state supervision and control over the technical condition of vehicles in the Russian Federation with participation of representatives of troops, units and bodies.

### **Financing the Performance of Military Transport Obligation**

Financing and stimulation of performance of military transport obligation are carried out in accordance with federal laws and other regulatory legal acts of the Russian Federation. Compensation by the state for losses incurred by organisations and citizens in connection with provision of vehicles and other property owned by them to troops, units and bodies is carried out according to the procedure determined by the Government of the Russian Federation. Citizens and private enterprises are paid compensation based on the book (residual) value of transport. The state enterprise provides transport at the expense of its funds.

Decree of the Government of the Russian Federation dated April 4, 2003, No. 195, approved the «Rules for provision of subsidies to transport organisations that purchase automobile equipment to replenish the rolling stock of military-type automobile convoys, within the framework of the Road Maintenance subprogram of the state program of the Russian Federation «Development of the Transport System».

Subsidies are provided by the Federal Road Agency at the expense of federal budget funds allocated to it for the purposes specified in these Rules, under the subsection «Transport» of the section «National Economy» of the classification of budget expenditures, for each unit of Russian-made automobile equipment and for each unit of automobile equipment produced in other states of the Customs Union, with a year of manufacture no earlier than 3 years before the date of submission

<sup>4</sup> [Electronic resource]: <https://base.garant.ru/12171031/>.



of the application for a subsidy, in the amount of 190 thousand rubles for buses up to 7,5 meters long inclusive and 475 thousand rubles for buses over 7,5 meters long, as well as trucks with a carrying capacity of at least 8 tons, provided that it is purchased and enrolled in the prescribed manner in the staff of a military-type automobile convoy and the organisation does not have overdue debts on payments to the federal budget and state extra-budgetary funds.

In addition, there are features of implementation of military transport obligation regarding certain modes of transport. In particular, in accordance with the Federal Law of February 27, 2003, No. 29-FZ, «On the Peculiarities of Management and Disposal of Railway Transport Property», the Government of the Russian Federation exercises on behalf of the Russian Federation the powers of a shareholder of a single economic entity in accordance with the legislation of the Russian Federation on privatisation and joint stock companies. A single economic entity ensures the implementation of measures for mobilisation preparation, including technical coverage of railway transport facilities, civil defence in accordance with the established task and is responsible for their implementation, and also provides internal affairs bodies in transport and special transportation bodies, military transport bodies necessary property in accordance with the legislation of the Russian Federation.

The expenses of a single economic entity associated with implementation of the measures specified in this paragraph are compensated from the federal budget.

Military transport obligation is performed by the sea and river fleets based on the Decree of the Government of the Russian Federation of July 23, 2004, No. 371, «On approval of the Regulations on the Federal Agency for Maritime and River Transport» and other regulatory legal acts that provide for mobilisation preparation, as well as control and coordination of activities in this area [17].

#### Problematic Issues in Implementation of Military Transport Obligation

As mentioned above, there are some problematic issues that negatively affect the state of mobilisation readiness of vehicles and the performance of military transport obligation by officials, legal entities and citizens.

There can be observed a lack of incentive measures aimed at ensuring high-quality implementation of the mobilisation task by organisations. For example, there are no uniform approaches between government bodies of the federal constituent entities of the Russian Federation and local government bodies regarding practices of providing tax benefits to organisations. At the same time, the Tax Code of the Russian Federation

reserves the rights to provide benefits for transport tax precisely to the state authorities of the federal constituent entities of the Russian Federation, and for land tax – to local government bodies.

A separate problem, which has important, including social, significance, is preparedness of ambulance columns to carry out the tasks of transporting wounded and sick military personnel in wartime. The procedure for re-equipping buses in the relevant organisations has not been approved, and, as a result, no decision has been made on organisation of industrial transport and sanitary equipment developed in the framework of relevant development work in peacetime, as well as the procedure for its storage.

The issue of compensation for costs to organisations and citizens in connection with provision of vehicles belonging to them to the Armed Forces remains also problematic to some extent. The reducing number of Kamaz and Ural vehicles with a carrying capacity of 6–10 tons of cross-country ability in organisations may also have a negative impact.

For 16 years, starting in 2007, low levels of administrative fines might potentially contribute to the commission of administrative offenses in the field of military transport obligation. One would like to hope that the amendments to the Code of the Russian Federation on Administrative Offenses, adopted in July 2023 and come into force on October 1, 2023, to tighten administrative liability in terms of increasing administrative fines by twenty times, will change the situation for the better<sup>5</sup>.

#### CONCLUSION

Military transport obligation seems to be an important structural and functional construct in the material, technical and regulatory support of the country's defence capability and state security. Constitutional norms establish that protecting the Motherland is the duty and responsibility of any citizen. Therefore, military transport obligation is a necessary contribution that citizens and organisations can and must make to support the Armed Forces and other troops during difficult socio-economic period and in the context of ongoing sanctions pressure from behalf of the unfriendly states. At the same time, the principles of constitutionally significant principles of democracy, humanity and proportionality, characteristic of domestic legislation, are manifested in the fact that fulfilment of military transport obligation is not gratis.

A consistent study of the historical, legal and regulatory aspects carried out in the paper allows

<sup>5</sup> On amendments to the Code of the Russian Federation on Administrative Offenses: Federal. Russian Law dated July 31, 2023, No. 404-FZ. Rossiyskaya Gazeta, 2023, August 3.



us to assert that the existing (current) legal framework regulating the implementation of military transport obligation is, in general, sufficient.

As proposals to improve the current state legal regulation of the issue under consideration, to increase the level of mobilisation readiness of vehicles and ensure better fulfilment of military transport obligation, it seems advisable to carry out a set of legal and organisational measures to clarify and detail the legal regulation of the problematic issues identified above, and also further organise the work of the ministries and departments participating in implementation of military transport obligation with Federal Agency responsible for state reserves to ensure that the necessary volumes of material state reserves are kept stored in peacetime.

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