

By the Judgement of 21 July 2021 No. 39-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 2.1, part 2, Article 2.2, part 2, Article 4.5, part 1, and Article 11.15² of the Code of the Russian Federation on Administrative Offences.

These provisions were subject to consideration insofar as they served as basis to bring a legal person to administrative liability for negligent violation of order of assessment of vulnerability of objects of transport infrastructure and transport vehicles and development of plans of ensuring transport security of objects of transport infrastructure and transport vehicles, and as basis to calculate the statute of limitations of bringing to administrative liability for this administrative offence.

The challenged interconnected provisions were recognised not contravening the Constitution of the Russian Federation since within the current legal framework they encompass the following:

administrative liability for this offence can be invoked due to violation of any of requirements reflected in said orders that after the established time-limits expired resulted in non-fulfilment of rules for conducting vulnerability assessment of objects of transport infrastructure and (or) development of plans of ensuring transport security of objects of transport infrastructure and transport vehicles, or resulted in refusal to approve results of assessment of vulnerability and (or) developed plans of ensuring transport security;

bringing a legal person to administrative liability for this violation committed out of negligence can take place where circumstances of concrete case on administrative offence do not testify to intentional actions (omission) of officials (employees) of legal person responsible for conducting assessment of vulnerability of objects of transport infrastructure and transport vehicles and development of plans of ensuring transport security of objects of transport infrastructure or transport vehicles but the legal person had possibilities to observe the said orders and did not take all the measures depending on it to observe them;

statute of limitations to bring to administrative liability for violation of order of assessment of vulnerability of objects of transport infrastructure and transport vehicles and development of plans of ensuring transport security of objects of transport infrastructure and transport vehicles shall be calculated: if results of conducted vulnerability assessment or developed plans were not presented for approval - from the date of expiration of time-limits established by legislation on ensuring transport security; if there was a refusal to approve relevant results and

(or) plans – from the date of adoption of the refusal that took place after the expiration of relevant time-limits.