

# Legal regulation of organizing maritime transport safety

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**Abstract.** The relevance of the study is predetermined by the current situation in the locations of seaports, terminals and port facilities, in view of the need and expediency of ensuring and maintaining a state of protection against acts of unlawful interference. The article reveals the basic concepts, analyzes the factors and threats affecting the level of transport safety, and investigates the system and procedure for the implementation of legal norms regulating the legal relations inherent in the research area. The attention is focused on the problematic aspects of the transport safety implementation, regarding which the ways of improving the legislation of administrative and legal regulation of transport safety in the Russian Federation are proposed. There are gaps in the conceptual apparatus, which negatively affects law enforcement practice. Fixing the term fully reflecting the aspects of maritime transport security will eliminate the problem and the gap in interpretation, and will assist in concretizing the terminology as well. The imperfection of the content of Article 11.6 of the Code of Administrative Offenses of the Russian Federation provides prerequisites for the commission of offenses of both minor severity and those that can be qualified as actions that create a threat of committing an act of unlawful interference on protected objects of transport infrastructure, objects of the fuel and energy complex, which can entail serious consequences.

## 1 Introduction

The object of the research is the social relations that develop in the process of administrative and legal regulation of maritime transport safety in maritime transport and transport infrastructure facilities of the seaports of the Russian Federation.

The purpose of this study is to identify the problems of administrative and legal regulation of transport safety in maritime transport in the Russian Federation and to develop proposals that will have practical significance and applicability.

Scientific novelty consists in the study of the Institute of Transport Safety from the viewpoint of administrative law on the example of the seaport of Novorossiysk. The state pays special attention to measures that increase security in transport and transport infrastructure facilities, which will prevent cases of unlawful interference with their functioning. This is especially important for the seaport of Novorossiysk since having sufficient capacity of cargo terminals (213,375 thousand tons per year), 88 berths and the possibility of year-round navigation in the seaport, adequate measures and methods of activity are required to ensure anti-terrorist security at the sea transport and transport infrastructure facilities [1].

The relevance of the chosen research topic is due to the current situation especially in the locations of respect transport infrastructure facilities potentially dangerous in

a territorial; these are such facilities as the water areas of seaports and sea terminals being port facilities where dangerous and potentially dangerous goods are handled [2]. A possible consequence of unlawful interference in seaports is inherent in the mass destruction of a large number of people over a large territory (the area of the seaport of Novorossiysk is 278.12 hectares), a strong frightening effect, and the risk of various destructive and destabilizing consequences of both regional and global international scales [3].

## 2 Materials and methods

The goal is to create a coherent system for ensuring transport security, which will increase the degree of protection of passengers and crew in transport both from acts of unlawful interference including terrorist ones, and from natural and man-made emergencies. The data of the competent authorities confirm the existence of potential security threats in the Azov-Black Sea basin and in the regions. In 2019 alone, 48 response measures were recorded and taken in the seaports of the basin to the information received regarding acts of unlawful interference; cases of various incidents related to the maritime transport safety (including 16 threats of detecting suspicious and explosive objects, 11 threats in the waters of seaports) were recorded.

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The gaps in the conceptual apparatus negatively affect law enforcement practice. Fixing a term that fully reflects aspects of maritime transport safety will eliminate the problem and the gap in interpretation, and will help to concretize the terminology as well. Prevention of offenses in maritime transport cannot be carried out by a separate state or by a public administration body due to its specific nature. This system should function based on close interaction with government bodies of other countries, international organizations, which can be implemented by harmonizing the norms of Russian legislation in the field of transport safety with international legal acts, which in its turn requires continuous monitoring and improvement. A number of provisions do not meet modern requirements for ensuring anti-terrorist security and need to be finalized and improved. The assessment of vulnerability of a number of sites has been declared being at an acceptable level but contingent upon the shore-based observation. The captain of the seaport together with administrative powers and control functions in the seaport is endowed with the functions of ensuring the transport security of the seaport water area. In view of the resulting legal conflict, it is necessary to amend Part 1 of the Order of the Ministry of Transport of Russia dated February 17, 2014, No. 39 "On approval of the regulations on seaport captain" at the same time endower the relevant legal acts with technical regulations, amendments necessary for the most effective coordination of the actions of persons responsible for ensuring transport safety at transport infrastructure facilities and vehicles. Article 11.15.1 of the Code of Administrative Offenses of the Russian Federation is quite general in nature and aims to ensure transport security in general. Moreover, the provisions of the above article contain a form of guilt not applicable to a legal entity. The imperfection of the content of Article 11.6 of the Code of Administrative Offenses of the Russian Federation provides prerequisites for the commission of offenses of both minor severity and those that can be qualified as actions posing a threat to unlawful interference on protected objects of transport infrastructure, of the fuel and energy complex, which can have huge consequences.

In the process of research, general scientific methods of analysis, synthesis, generalization, analogy were used. The assigned tasks predetermined the use of such private scientific methods as the comparative legal method, the method of historical and legal analysis and others, which enabled to carry out a comprehensive study of the problem.

### 3 Results

The concept of safety is used in literary sources and normative legal acts in various aspects obtaining one or another meaning intended by the author. Since it can be endowed with a different semantic load, "safety" itself can be classified on various grounds:

- regarding the protected area, the safety of hydraulic structures, buildings, structures, vehicles, transport infrastructure facilities and others are distinguished;
- regarding the areas of activity covered by the protection (protection), the safety of environmental, economic, fire, information, transport security and others are distinguished [4];
- regarding the scale, scope of safety, international, national, regional security and other types of safety are distinguished;
- regarding the state of security of individual technological processes, types of activities, the safety of transport activities, navigation, transportation of dangerous goods, shipping and others are distinguished.

The Federal Law "On Transport Safety" is considered an important link in the system of ensuring the national security of the Russian Federation, which has a significant impact on the transport safety of the marine fleet. The law introduces the legal category "transport safety" as "the state of protection of transport infrastructure facilities and vehicles from acts of unlawful interference". The concept "act of unlawful interference" is disclosed by Article 1 of the above law. It is expressed in an unlawful action (inaction), including a terrorist act, which threatens the safe operation of the transport complex, and entails harm to life and people's health, material damage or creates a threat of such consequences. Based on the above, it follows that FL-16 "On Transport Safety" interprets the transport security solely as anti-terrorist security, whereas natural and man-made threats are ignored.

The definition of "maritime safety" established earlier by Decree of the Government of the Russian Federation No. 324 differs from the definition of "transport security" fixed by Federal Law No. 16-FL "On Transport Safety". The common features of these legal categories are protection against "threats and negative interactions associated with maritime navigation" and "acts of unlawful interference". The transport strategy of the Russian Federation adopted for the period up to 2030 contains a provision indicating that the anti-terrorist security and maritime safety are provided by full equipment of transport infrastructure facilities and seaports with modern engineering and technical means of ensuring transport safety. Consequently, we conclude that the meaning of transport safety is exclusively the security function

On the other hand, the order of the Government of the Russian Federation No. 1285-r dated July 30, 2010 (as amended on July 4, 2019), "On Approval of the Comprehensive Program for Ensuring the Safety of the Population in Transport" reinforces the threats of a man-made and natural character in addition to threats and committing acts of unlawful interference including antiterrorist orientation. Prevention of natural and man-made emergencies as well as their elimination, prevention and suppression of acts of unlawful interference including anti-terrorist ones are the main methods of countering possible threats. In this context, "transport safety" takes into account several types of threats and is interpreted more broadly in contrast to FL-16 "On Transport Safety".

Currently, various terms related to safety at sea and maritime transport are applicable in the absence of a legislatively fixed interpretation of the terms “navigation safety”, “safety of maritime activities”. The concept of “maritime safety” is not legally defined and is interpreted as a synonym for “maritime navigation safety” based on the meaning of the 1988 Convention for the Suppression of Unlawful Acts against the Maritime Navigation Safety (Rome Convention). Consequently, “maritime navigation safety” related to “terrorist safety”, “safety of operation of ships and prevention of marine pollution”, the content of which is set out in the International Safety Management Code (ISM Code) Resolution A.741 (18) of the International Maritime Organization, are special cases of maritime safety manifestation. We believe that “maritime safety” interpreted as a constantly maintained state of protection of the vital interests of the individual, society and the state from threats and negative impacts associated with maritime navigation should be understood more broadly since one of the goals of the Federal System is to minimize the consequences of negative acts.

The legal and regulatory framework should be brought to a uniform terminology. The existing normative legal and technical acts contain norms reflecting the safety of maritime activities, maritime transport safety, navigation safety but do not disclose the essence of their interpretation and understanding. Analysis of the Russian legal framework enables to conclude that the concept of “maritime safety” includes the safety of port facilities, maritime navigation, as well as the safety of passengers and transported goods. The term “sea shipping” follows from the term “merchant shipping”. The latter, in turn, includes a wide range of maritime activities (with the exception of naval navigation). Using the phrase “navigation safety”, a wide range of maritime activities safety including safety of maritime navigation is affected, which is established by the Merchant Shipping Code of the Russian Federation. However, being part of “navigation safety”, the “maritime safety” only affects acts of unlawful interference, that is, a relatively narrow range of illegal activities [5].

Fixing a term that will fully reflect various aspects of the transport safety of the marine fleet will not only eliminate the problem of interpreting this term but will also help to concretize it. This term should combine such concepts as:

- safety of maritime navigation;
- technical safety;
- environmental safety;
- safety of operation of ships and port facilities;
- safety of human life at sea.

Maritime transport safety is the sphere of public relations aimed to ensure and maintain the state of protection of the objects of the transport infrastructure of the sea fleet ensuring conditions for the safe implementation of activities for their operation from unlawful acts of natural, man-made phenomena and disasters.

Therefore, this must be legally enshrined. Activities to ensure transport safety are based on the performance

of tasks that depend on the financial condition of the subjects of the transport infrastructure [6]. Regarding the seaport of Novorossiysk, we highlight the following factors affecting the provision of transport safety:

- its significance for the strategic goals of the Russian Federation, as well as development in the socio-economic and other spheres;
- high risk of unlawful interference, which is primarily due to its attractiveness taking into account the peculiarities of the nomenclature of transshipped cargo, passenger flows, as well as the development of the tourism business, bases for small boats and other types of recreation on the water;
- involvement in organizing sports and other events at regional, national and international levels;
- the presence of strategic objects of the Russian Federation and the largest developing energy transport projects within the seaport, on the approaches to it and on the adjacent territory.

All factors that threaten safety can be divided into two main categories: internal and external ones. It is permissible to attribute all factors caused by external threats such as an act of unlawful interference, navigational hazards, other vessels, etc., to external factors. Internal factors are due to those factors that initially arose from the outside (weight of the cargo, its distribution within the vessel, violation of the rules for the carriage of dangerous goods, unprofessional planning and further management of ship operations).

The factors of transport safety of the marine fleet and port infrastructure are the conditions, circumstances, and results of management activities that increase the level of transport safety. According to statistics, the number of accidents, incidents, violations of access and intra-facility regimes, violations of navigation rules in the water area and the actual signs and prerequisites for acts of unlawful interference is rather high in the port of Novorossiysk amid constant threats of terrorist acts being characteristic of southern Russia. To ensure the protection of seaports from acts of unlawful interference, goals and objectives in ensuring transport safety have been defined, and a maritime security system has been built in the seaports of Novorossiysk, Gelendzhik, Anapa and Sochi with regards to all factors affecting the vulnerability of seaports (technical and technological, anti-terrorist, organizational and managerial).

Particular attention in this system is paid to the security level monitoring system with modern Engineering and technical means of ensuring transport security. The objectives of monitoring the transport safety of seaport water areas are ships and floating crafts, transport infrastructure facilities, events occurring with them, signs and conditions of committing acts of unlawful interference regardless of the time of day, weather conditions. Engineering and technical means of monitoring are provided by the following measures:

- round-the-clock monitoring of the situation in the waters;
- timely detecting and informing about the commission or attempts to commit acts of unlawful interference;

- coordination of forces activities aimed to ensure transport safety;
- documenting and storing video information across a variety of scenarios including the conditions of threats and emergencies;

- control of the access of ships, watercraft and swimmers to the transport safety zones (port water area).

Herewith, the following is envisaged:

- options for determining and predicting the parameters of the movement of targets, as well as their configuration;
- options for transmitting warnings about the ineligibility of being in the restricted area, as well as carrying out prompt notification of forces about violations and threats to security;
- continuous archiving of data on the security situation, which is stored on an electronic storage medium for a long time and is accepted for the benefits of analyzing, predicting and preventing threats in controlled zones of water areas.

The provisions of the Maritime Safety Plan of the port of Novorossiysk in ensuring security tasks are practically implemented through the engineering and technical system for ensuring transport safety in the seaport, specifically, regarding control and monitoring of the situation, warning and preventive measures in the protection of maritime transport facilities, as well as management across a variety of scenarios. The capabilities of technical means reduce the risks of loss of life and the consequences of security threats.

The managerial impact in the field of transport security regulation is expressed in the following:

- development and establishment of norms and rules on ensuring transport safety at transport infrastructure facilities and vehicles;
- control, supervision over the implementation of existing norms and regulations; imposition of sanctions for violation and/or failure to comply with them;
- establishment of contractual relations with business entities within the framework of public-private partnership;
- budget financing of measures to achieve an optimal level of safety in transport, transport complex, protection from acts of unlawful interference.

Management is carried out vertically and horizontally [7]. The captain of the seaport is entrusted with the following list of functions and responsibilities:

- taking measures to prevent, terminate illegal presence and movement of ships and other vehicles in the seaport water area;
- ensuring the transport safety requirements of the seaport waters related to transport infrastructure facilities and port facilities of the same name;
- implementation of plans to ensure transport safety of seaport water areas;
- communication of information regarding the existing threat or the commission of an act of unlawful interference in the seaport to the federal executive authorities authorized in the field of transport security;
- carrying out an objective, complete and comprehensive investigation of the causes of accidents including rendering assistance to the authorized federal

executive bodies in matters of ensuring the safety of navigation and protection against acts of unlawful interference in the seaport;

- control over compliance with international treaties of the Russian Federation that apply to merchant shipping within the framework of the ISPS Code and the provisions of Chapter XI-2 of the SOLAS-74 Convention (Art. 76 of the RF Merchant Shipping Code).

The role of the basin administration of seaports in this vein is defined in the material, technical, organizational, financial support, in organizing interaction with the competent state authorities, law enforcement agencies at the federal level, and through the relevant operational headquarters at the regional level.

Improving the effectiveness and efficiency of control and supervisory activities through a risk-based approach is one of the main directions for the development of the above activities. This approach is based on an assessment of the level of risk by areas of activity, which contributes to determining the measure of management influence on the supervised entity distributing the resources allocated for the implementation of control and supervisory activities.

A risk-based approach is “a way of organizing and exercising state control, in which, in cases established by law, the choice of the duration, forms and frequency of measures to be carried out is determined by assigning the activities of a legal entity, an individual entrepreneur, as well as the production facilities to one of the risk categories taking into account the group of likelihood and severity of consequences” [8]. A certain risk category is assigned by the decision of the head of the territorial body of the Federal Service for Supervision in the Sphere of Transport at the location of the subject of supervision. The Ministry of Transport of the Russian Federation with the participation of plenipotentiary representatives of the President of the Russian Federation organizes field meetings with senior officials of the constituent entities of the Russian Federation in federal districts, representatives of the prosecutor’s office, internal affairs bodies, as a result of which additional, more improved measures to ensure transport safety at transport infrastructure facilities and vehicles are taken. Considering the management system in the field of transport safety in the Russian Federation, of particular note is the special role of the Federal Service for Supervision in the Field of Transport (Rostransnadzor), which includes the Transport Safety Department, as well as the territorial bodies of Rostransnadzor. Based on the results of inspections in 2019, 103 accidents in maritime transport and 2,076 offenses were identified including 1,884 cases of violation of the mandatory requirements of the RF legislation. Monitoring emergencies and acts of unlawful interference in all modes of transport enables to assess the current situation and further use the information received when planning supervisory activities, make efficient and effective management decisions aimed to

prevent violations of the legislation of the Russian Federation in the field of transport safety [9].

Improvement of the regulatory legal framework operating in the field of transport safety in the Transport Development Strategy of the Russian Federation for the period up to 2030 is defined as a primary task (Chapter VI, Clause 1). Along with criminal liability the legislation of the Russian Federation also envisages administrative liability for violation of transport safety requirements arising on the basis of the requirements provided for by the Code of Administrative Offenses of the Russian Federation. The captain of the seaport of Novorossiysk receives information regarding the existing threats of committing acts of unlawful interference with transport infrastructure and vehicles from the internal affairs bodies, security, Rosmorrechflot, Rostransnadzor and the Ministry of Transport of the Russian Federation, from the anti-terrorist commission of the Krasnodar Territory.

One of the reasons for its increased vulnerability of the port's water area is the development of recreational facilities on the water, and, as a result, an increase in the number of recreational areas, bases for small boats, yacht berths, boat rental services and the spread of diving. This issue is especially acute when considering the water area where the transshipment of goods is carried out including the ones of the increased danger [10].

The most common violations in the water area of the seaport of Novorossiysk have been as follows:

- mass exits of small vessels to the sea outside the parking bases;
- unauthorized amateur underwater running;
- presence of people in prohibited areas of the water area (in the locations of transport infrastructure facilities being sea terminals);
- violation of the rules of navigation by small boats due to their being outside the permitted navigation areas;
- commencement of sea passage by small vessels during the period of unfavorable weather conditions, storm warning;
- uncontrolled commencement of sea passage by the floating craft;
- lack of control over the technical condition of the floating craft before going out to sea as well as lack of control over the number of passengers going out to sea.

Along with the powers of administrative authority and control in the seaport, the captain of the seaport is endowed with the functions of ensuring the transport safety of the seaport water area. Art. 14 of the Order of the Ministry of Transport of Russia dated February 17, 2014, No. 39 "On Approval of the Regulations on the Master of the Seaport" as well as Art. 76 of the RF Merchant Shipping Code specify the provision of the seaport captain with the transport safety of the seaport water area including the adoption of measures to prevent the illegal presence and movement of sea and other vessels in the seaport water area. The regulation gives the seaport captain the authority to interact in this area with the executive authorities of the Russian Federation, to manage activities aimed to increase the level of transport safety.

The content of the Code of Administrative Offenses of the Russian Federation specifies liability for violation or non-fulfillment of requirements for ensuring transport security in view of Art. 11.15.1 Administrative Code of the Russian Federation (violation of requirements in the field of transport safety); Art. 11.15.2 of the Code of Administrative Offenses of the Russian Federation (violation of procedures and rules established in the field of transport safety); Art. 19.7.5 Administrative Code of the Russian Federation (failure to provide information on acts of unlawful interference). Contents of paragraph 35 of Article 16 of the Regulations on the Master of the Seaport indicates such a function as "consideration of cases of an administrative offense" referring at the same time to paragraph 2 of part 2 of Article 23.36 of the Code of Administrative Offenses of the Russian Federation, which contains a list of categories of cases of an administrative offense that the seaport captain has the right to consider on behalf of the federal executive body exercising federal state territorial supervision.

To prevent an arising legal conflict, it is necessary to legislatively define the Harbor Master as the safety coordinator of transport infrastructure facilities and transport (port) facilities within the seaport in the context of transport safety in Chapter I of the Order of the Ministry of Transport of Russia dated February 17, 2014, No. 39 "On Approval of the Regulation on the Master of the Seaport". At the same time, it is necessary to enshrine the possibility and procedure for coordinating the actions of persons responsible for ensuring transport safety at transport infrastructure facilities and vehicles when receiving information from the seaport captain about the commission or the threat of an act of unlawful interference in the relevant regulatory legal acts and technical regulations.

Water areas of seaports are rightfully considered the most vulnerable territory in terms of ensuring transport safety. Violations such as diving without permission or without appropriate signals can pose a serious threat of unlawful interference. This poses a special threat when diving without permission or without appropriate signals near oil and fuel terminals, objects of the fuel and energy complex due to not only their social and economic significance but also their increased explosion and fire hazard; a similar situation is observed when an offense is committed near the facilities of a naval base, which, in this case, will threaten the national security of the state.

Part 1 of Art. 11.6 of the Administrative Code of the Russian Federation establishes the following:

"1. Violation of the procedure for the installation and arrangement of dams and forest harbors..., as well as carrying out diving operations in port waters without proper permission or failure to comply with the rules for giving signals during these works shall entail the imposition of an administrative fine on citizens in the amount of three hundred to five hundred rubles; for officials – from five hundred to one thousand rubles".

Considering the fact of the existence of the above activities and the absence of intent to interfere with the safety of transport infrastructure and vehicles, as well as the life and health of people, this sanction is proportional to the danger of the committed act. Diving is considered

an amateur activity not regulated by a regulatory legal act, and, within the meaning of Part 1 of Art. 11.6 of the Code of Administrative Offenses of the Russian Federation, which does not fall within the scope of this article. The existing legal gap provides prerequisites for the commission of offenses of both a minor degree of severity and those that can be qualified as actions that create a threat to committing an act of unlawful interference with transport infrastructure and vehicles.

The following changes are possible in the provisions of Art. 11.6 Administrative Code of the Russian Federation:

- to supplement Part 1 of Art. 11.6 of the Administrative Code of the Russian Federation stating it as follows:

“Violation of the procedure for the installation and arrangement of waterways and forest harbors, the arrangement of stitches and other devices for the extraction (fishing) of aquatic biological resources in places not established for this purpose without the approval of the administration of the waterway and hydro-structures regions in accordance with the established procedure, as well as carrying out diving in port waters without proper permission or non-observance of the rules for giving signals during these works, as well as the implementation (practice) of diving work without a proper permit entails the imposition of an administrative fine on citizens in the amount of three hundred to five hundred rubles; for officials – from five hundred to one thousand rubles; for legal entities – from one thousand rubles to three thousand rubles”.

- to supplement Art. 11.6 of the Code of Administrative Offenses of the Russian Federation with an additional norm (part 4 of Art.11.6 of the Code of Administrative Offenses of the Russian Federation) stating it as follows:

“4. Violation of the order, as well as carrying out diving work in port waters without proper permission or failure to comply with the rules for giving signals during these works, as well as the implementation (practice) of diving without proper permission if the specified activity creates (created) a threat to transport safety, and if these actions did not create (do not create) or do not contain a criminal offense entails the imposition of an administrative fine on citizens in the amount of twenty thousand to thirty thousand rubles or an administrative arrest for up to ten days; for officials – from fifty thousand to one hundred thousand rubles or administrative arrest for up to ten days; for legal entities – from two hundred thousand to five hundred thousand rubles or administrative suspension of activities for up to ninety days”.

- to supplement Art. 11.6 of the Code of Administrative Offenses of the Russian Federation with an additional norm, stating it as follows:

“Note. For the administrative offenses provided for by this article, persons carrying out entrepreneurial activities without forming a legal entity shall bear administrative responsibility as a legal entity”.

These changes in the legislation will help to eliminate the existing problems in law enforcement practice, and will prevent or reduce the number of such

offenses toughened sanctions for certain types of offenses.

In the field of transport safety, a special role is assigned to state measures aimed to improve the level of transport safety, to prevent, suppress acts of unlawful interference in the normal functioning of a modern transport complex.

## 4 Conclusion

The seaport water area being the most vulnerable area requires additional measures. Along with the powers of administrative authority and control in the seaport, the captain of the seaport is endowed with the functions of ensuring the transport safety of the seaport water area. When considering these powers in the context of the provisions of the Code of Administrative Offenses of the Russian Federation, order of the Ministry of Transport of Russia dated February 17, 2014, No. 39 “On Approval of the Regulation on the Master of the Seaport” a legal conflict was revealed. Thus, we propose to legally define the seaport captain as the safety coordinator of transport infrastructure facilities and transport (port) facilities within the seaport in the context of ensuring transport safety in Chapter I of the Order of the Ministry of Transport of Russia dated February 17, 2014, No. 39 “On Approval of the Regulations on the Master of the Seaport”. At the same time, it is necessary to establish the possibility and procedure for coordinating the actions of persons responsible for ensuring transport safety at transport infrastructure facilities and vehicles when receiving information from the seaport captain about the commission or the threat of an act of unlawful interference in the relevant regulatory legal acts and technical regulations.

Contents of Article 11.15.1 of the Code of Administrative Offenses of the Russian Federation has a rather general, vague nature and aims to ensure transport security in general. Moreover, the provisions of this article contain a form of guilt (intent/negligence) that is not applicable to a legal entity, which often becomes the subject of disputes. Having stated the position of the Constitutional Court of the Russian Federation in terms of this norm, we propose to amend Part 3 of Art. 11.15.1 of the Code of Administrative Offenses of the Russian Federation and state it in the manner indicated in the study.

The seaport waters are considered the most vulnerable territory in terms of ensuring transport safety. For example, unauthorized diving considered an amateur activity not regulated by regulatory legal acts unlike diving work does not fall within the boundaries of Part 1 of Art. 11.6 of the Administrative Code of the Russian Federation. This provides the prerequisites for the commission of offenses of both minor severity and those that can be qualified as actions that create a threat of committing an act of unlawful interference on protected objects of transport infrastructure, objects of the fuel and energy complex, which can entail serious consequences. It is possible to make appropriate changes to the content of Art.

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