Organizational and Legal Aspects of Transport Logistics as a Factor of Sustainable Development

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Abstract. Transport logistics is an essential factor in the sustainable development of the modern economy, since it ensures the most efficient movement of freight flows. It provides an opportunity to attract specialized organizations for cargo transportation, which frees cargo owners from non-core activities, reduces the cost of transportation of goods, and considers the interests of all participants in the logistics chain. Our study aims to analyze the organizational and legal aspects of transport organizations to ensure sustainable economic development. The development uses modern legal science and methods of scientific research to develop and improve Russian legislation governing the provision of transport and logistics services. We used materialistic dialectics, complex and system analysis, logical laws and rules, and modeling in our research. In particular, we reviewed and analyzed the norms of the current Russian legislation, their implementation by the subjects of economic activity, and the works of civil scientists in private law and specialists in other related fields. Based on the analysis of Russian legislation and doctrinal understanding of logistics services, we conducted a theoretical and applied study of the existing improvements in the legal regulation of this sphere. The logistics should be considered an economic category and a traditional institution to ensure steady transport development. We proposed amendments to existing federal laws, including changes in the name of certain sections of the Civil Code of the Russian Federation. To control organizations providing transport and logistics services, measures of public administrative impact directly affecting the sustainable development of transport are proposed.

Keywords: Transportation services · Accessible transportation · Transport and logistics activities · Logistics service · Contract · Commercial organizations · Legal regulation

1. Introduction
The issues of sustainable state functioning are related to a well-functioning, well-developed, and sustainable transport system [4, 17]. The transport system determines the filling of the market with goods, satisfaction of needs of the population and manufacturers, sale of produced goods, foreign economic activity, and national security [2, 15]. In several Russian conceptual documents, attention is drawn to the development of the transport system. Over the last decade, there was created a particular legal and regulatory framework. In different periods, the Government of the Russian Federation adopted such documents as the Order “On the Transport Strategy of the Russian Federation” (November 22, 2008 No. 1734-r) [8] and the Resolution “On approval of the state program of the Russian Federation “Development of transport system” (December 20, 2017 No. 1596) [9]. However, transport logistics is either not considered in these documents or mentioned in the most general form.

At the same time, nowadays, there is a need for a clearly defined state policy to develop transport logistics. The underdeveloped transport logistics, given the regional unevenness in the supply of goods
and services and limited transport accessibility of individual territories, is highlighted in the Basic Guidelines of the Unified State Monetary Policy for 2019–2021, approved by the Bank of Russia [3]. To improve the business climate in transport and counteract threats to economic security, the Presidential Decree “On the National Security Strategy of the Russian Federation” (December 31, 2015 No. 683) [16] provides for the formation of a single transport space based on the balanced advance development of effective transport infrastructure, growth of Russian transport connectivity, creation of transport corridors, multimodal transport, and logistics hubs, and increasing the volume and quality of road construction.

In light of the execution of this document, the Government of the Russian Federation, by the Decree “On the approval of a comprehensive plan for the modernization and expansion of the mainline infrastructure for the period up to 2024” (September 30, 2018 No. 2101-r), declared the implementation of the Federal Project “Transport and Logistics Centers” [10]. At present, either the creation of transport and logistics centers is at the stage of project documentation or a weak load of existing centers. To activate their activities in the context of transport logistics development, it is necessary to form measures of organizational and legal nature (the inventory of transport and logistics centers, the analysis of their activities to identify the reasons for low demand, the development of a scheme to optimize the supply of goods to domestic and international markets to minimize financial and time costs for the cargo owner and the recipient of cargo, etc.). These measures may increase the Russian economy’s potential growth rate and improve welfare, providing a healthy, reliable, economic, social, and environmental basis for present and future generations [5].

When implementing these measures, transport logistics should be considered a complex economic and legal phenomenon, legal institution, and type of business activity. The relations arising in transport logistics are justified by the conclusion of independent civil contracts for logistics services defined in the transport obligations system. Modification and additions to operating federal laws and acceptance of new by-laws are offered to provide effective regulation of the given relations.

2. Materials and Methods
The defining method of research is materialistic dialectics. The mutual influence of the economic content of transport logistics on its legal form to ensure sustainable transport development is investigated. The authors used a formal logical method to interpret and establish the real range of legal regulation of transport relations about contracts, obligations, commercial organizations, and enterprise activities. Legal modeling was used to predict the positive results of law enforcement activities when changing the norms of transport logistics. The content of various norms of transport relations was established by a logic method. The method of legal modeling and mental experiment allowed to formulate offers to improve the current legislation of the given sphere.

The influence of legislation on economic relations is analyzed using the system and complex methods. It allowed to define a place of transport logistics among other transport relations, and the contractual forms of legal intermediary of these relations are analyzed using the system and complex methods.

The empirical material is based on the documents of the Altai Krai’s transport companies, which are placed on the portal of the Federal Tax Service of the Altai Krai from the open registers of legal entities [6]. We also used the information of the Committee on Transport and Forwarding of the Chamber of Commerce and Industry of the Altai Krai on the activities of organizations in transport logistics [23].

3. Results
Transport logistics is an economic and legal category that has not been thoroughly studied. The authors stated new approaches in the definition of transport logistics, an estimation of its value, its place in the system of transport relations, and its reflection in the normative legal acts of the Russian
Federation. Based on the analysis of the current legislation and the practice of its application, we made proposals on improving the legal mediation of relations in transport logistics. Particularly, it is necessary to change the title of Chapter 41 of the Civil Code of the Russian Federation [18] and the Federal Law No. 87-FZ, which will be named “Transport Expedition and Transport Logistics” in the new version [19].

The regulation of transport and logistics activities cannot be limited only by federal laws. In the transportation of goods, there is a need for regulations, which can be provided by issuing special acts approved by the Government of the Russian Federation. The following may be proposed as such: “Rules of transport and logistics activities” and “Rules of rendering transport and logistics services.” For their development, it is necessary to proceed from classical civil categories applied at regulations of contractual relations on compensated rendering of services, rules on transport logistics developed in business practice, and scientific views on its correlation with similar legal forms. These documents should contain basic concepts relating to transport and logistics activities, including an indication that it is entrepreneurial and is carried out in the way of services through the conclusion of a civil law contract. The civil-law form of transport logistics is the civil-law contract, which, by its legal nature, refers to transport obligations with a particular subjective composition, subject, and content. These elements indicate independent character, which differs from the transport expedition contract, enshrined in Chapter 41 of the Civil Code.

The conclusion of a contract can be confirmed by the documents accepted in international, national, and business turnover practices, taking into account the development of the digital environment.

Transport logistics is connected with public interests. In this regard, it is proposed to strengthen control over the implementation of transport and logistics activities by establishing their membership in self-regulatory organizations in the form of an imperative prescription as a prerequisite for such business activities.

4. Discussion
The concept of logistics is widely used in scientific and educational literature in various fields of knowledge. It should be noted that most of the works on the concept belong only to a few authors whose subject matter is mainly economic aspects (A. V. Dmitriev, O. V. Sokolova, K. V. Kholopov).

Logistics may be characterized as an art of flow management [12]. It is a management tool contributing to the achievement of strategic, tactical, and operational goals of transport organizations through the effective management of material, service, information, financial, and other flows [1]. The US Logistics Management Council defined logistics as the process of planning, managing, and controlling the efficient (in terms of cost reduction) flow of stocks of raw materials, work-in-progress, finished goods, services, and related information from the place of origin to the place of consumption (including import, export, internal and external movements) to fully meet the needs of consumers [12].

Transport logistics is classified depending on the field of application. Definitions of which can be found in the scientific literature as much as the logistics itself. In most cases, it is noted that transport logistics is associated with the management of freight flows and is identified with freight forwarding activities. Based on the analysis of existing definitions, we propose to define transport logistics as the type of activity providing the most effective planning and implementation of cargo transportation through logistics services. This definition can be taken as a basis for the formation of a legal regulation mechanism.

The terms “logistics” and “logistics services” have no legal definition in Russian and international legislation because no normative act can define these concepts covering all aspects of such diverse activities. The attempt to develop a law “On logistics activities,” which was made back in 2015, did not receive support and met negative reactions in the professional community [13].

Considering the importance of transport logistics in the modern economy, its features, and content, we propose to consider it as an independent category, different from freight forwarding and
transportation itself. Even though these concepts have a common meaning, the consignee should pay attention to their differences. The tasks of transport logistics include: (1) selecting the type of vehicle, (2) planning a rational route, (3) warehousing management, (4) consolidating consignments, (5) registering payments for transportation, (6) servicing a customs representative, (7) ensuring the functioning of information systems, etc. In turn, forwarding involves the search for suitable special equipment, drawing up the route of delivery, and execution of necessary documents. Thus, the subject of transport logistics includes a broader range of functions than forwarding. Identifying these activities leads to certain practical difficulties, namely, disputes in the qualification of contractual relations, the definition of limits of liability of the parties to legal concerns, tax, and customs consequences.

It is impossible to study the condition of transport logistics and define its prospects in Russia without describing the companies carrying it out. In the modern Russian economy, the central figure of entrepreneurship is commercial organizations carrying out any activity not prohibited by law. In cases stipulated by law, a legal entity may engage in certain activities only with a special permit (license), membership in a self-regulating organization, or a certificate of admission to a specific type of work issued by a self-regulating organization.

The Federal Law “On licensing certain types of activities” (May 04, 2011 No. 99-FZ) [22] does not classify transport logistics activities as licensed, unlike, for example, transportation of cargo and passengers. By refusing to license these activities, the Government demonstrates that it is free not only from management but also from control in this area. At the same time, public administration of activities is actively replaced with self-regulation. The Federal Act “On self-regulating organizations” (December 1, 2007 No. 315) [20] indicates that self-regulating organizations are non-profit organizations based on membership, which unite business entities based on the unity of the industry in which they produce goods (work, services) or the market for produced goods (work, services), or which unite professional entities of a particular type. This law allows uniting business entities and professional entities of a specific type in one self-regulating organization.

Regarding transport and logistics activities, the requirement to participate in self-regulating organizations is not legislated. However, the expediency of such legislative prescriptions is evident. The membership of transport, logistics, or business entities in a self-regulating organization would ensure control over the entrepreneurial or professional activities of their members by carrying out scheduled and unscheduled inspections, examining complaints about the actions of members of a self-regulating organization and cases of violation of the requirements of standards and rules of entrepreneurial or professional activities, identifying compliance with the conditions of membership in a self-regulating organization, etc.

It is also essential that self-regulating organizations are subject to state supervision by authorized federal executive bodies. The procedure for supervision is outlined in the Federal Law “On Protection of the Rights of Legal Entities and Individual Entrepreneurs in the Process of State Control (Supervision) and Municipal Control” (December 26, 2008 No. 294-FZ) [21], the Federal Law “On Self-Regulating Organizations,” and federal laws governing such organizations. Thus, the sphere of transport logistics is taken out of direct state control.

The opposite approach is observed in foreign legal order. For example, several countries (the USA, Canada, China, and India) have strict regulations on freight forwarding and similar activities, including special licenses. In the USA, separate permits are issued for internal and external logistics. Some European countries (Germany, France) also have licenses. In other countries, companies themselves regulate their activities through public organizations (associations). Membership is voluntary, but participation is prestigious and provides some advantages in conducting such business. Most large companies that need to transport cargo will turn to a company with membership in these associations.

The use of international experience in national legislation makes it possible to apply these procedures in Russian legislation. However, in insufficient competition on the market of logistics
services, entrepreneurs have to choose the forms of state presence that will be most effective and useful for their activities, taking into account the state and public interests in general.

In Russia, self-regulatory organizations are created as all-Russian and regional associations based on voluntary membership. They are established to represent and protect joint interests and achieve socially useful and other goals, not contradicting the law and having a non-commercial nature. In most Russian regions, separate committees are set up at the Chambers of Commerce and Industry with different names. Nevertheless, they have the same functions (transport and logistics, transport, and forwarding). These committees are composed of entrepreneurs for whom these activities are core and priority. The differences in the names of structures are not fundamental. They rather indicate that entrepreneurs themselves do not clearly understand the difference between these activities.

A clear distinction between freight forwarding and logistics activities is not made in the features of organizations positioning themselves as logistics companies. In most cases, the subject of their actions and offered services are freight forwarding and logistics activities. Thus, clients are to decide what service (under what name) they want to receive. Wide specialization of transport organizations can be explained by the desire to develop in different fields obtaining the maximum possible profit. Moreover, since neither freight forwarding nor logistics activities require special conditions for their implementation, transport companies involved in the transportation of goods are ready to perform these additional activities.

The analysis of the modern market of transport services showed the tendency to create large corporations with a network of branches or representations, making out orders and accepting clients in other regions. Such participants of the market of logistics services, as a rule, have their fleet of vehicles that they provide for cargo transportation. Local companies work with their regular partners. For them, it is challenging to attract new customers and create new transport chains. That is why they are not ready for a narrow specialization. It is easier for them to have one or two specialists on their staff who will formalize logistics services as additional and auxiliary activities. In the current environment, this approach is not the most successful because it is expensive for companies and is perceived as a side activity, which ultimately reduces the importance of logistics, making it unattractive to customers.

Some transport organizations address their activities to outsourcing. In this case, transport logistics is transferred to the external organization – the outsourcer.

Such a phenomenon is caused by the desire to reduce expenses for organizing any logistic actions. It is also an attempt to concentrate on basic activities and provide clients with full service in one place. Standard operations performed by freight forwarders and more complex processes related to customs, sanitary quarantine, and documents necessary for cargo transportation can be outsourced. The provision of such services is typical of transport logistics. These activities may consume the energy and resources of the shippers. Transport companies may find it challenging to perform these operations due to the lack of resources and qualified specialists. These features of outsourcing make it a rather attractive form of business. In the Russian legislation, this type of activity has not found a fixation, which leads to the problem of qualification of arising legal relations, the unfriendly position of the courts to this phenomenon, and the lack of proper judicial protection of the interested persons when settling disputes in arbitration courts. In this connection, it is necessary to clarify the issues of outsourcing in various areas of economic activity to the highest court instance to form a sustainable court practice. If the organization rendering logistic services is not the vehicle owner, it assumes duties on the conclusion of lease contracts of the corresponding number of necessary vehicles. Therefore, its functions include a search for owners of vehicles and registration of corresponding legal relations with them.

As with any activity related to the provision of services, transport logistics is subject to legal regulations. The main conditions related to providing paid services, including transportation, are contained in the Civil Code of the Russian Federation. Chapter 41 “Transport Expedition” of the Civil
Code of the Russian Federation is directly related to the studied issue. At the time of adoption, this chapter was taken as a serious application for developing this sphere of relations. The Federal Law “On Transport and Forwarding Activities” (June 30, 2003 No. 87-FZ), adopted as a development of the norms of the Civil Code of the Russian Federation, was designed to achieve the same effect. The developers of the Civil Code of the Russian Federation and the Federal Law proceeded from the idea that a transport forwarding agreement should be referred to service agreements. This was even mentioned separately in p.2 of Article 779 “Reimbursable provision of services” of the Civil Code of the Russian Federation, which provides for special legal regulations outside Chapter 39 of the Civil Code. However, the lack of previous experience of detailed legal regulation of relations on freight forwarding and insignificant experience of applying the above norms resulted in copying the rules of the Civil Code of the Russian Federation on the contract of remunerated services provision and in the insufficient elaboration of the proposed norms. For example, the rules on the possibility of unilateral withdrawal from the contract were reproduced in the contract of a transport expedition without the necessary study of the relevant relations. Critical assessments can also be made to the Federal Law “On transport and forwarding activities.” When analyzing the existing normative array, it becomes evident that it noticeably lags behind the current needs and that there are numerous legislative gaps. The Government of the Russian Federation in the Order “On Transport Strategy of the Russian Federation” (November 22, 2008 No. 1734-r) draws attention to the need to continue improving the regulatory and legal support for the functioning and development of the transport complex and regulation of access to the markets of transport services.

To implement the above provisions formulated in Governmental acts, some non-systemic editorial changes are proposed. The draft Federal Law “On Amendments to the Civil Code of the Russian Federation” was prepared by the Ministry of Transport of Russia but not introduced in the State Duma of the Federal Assembly of the Russian Federation [14]. The draft Federal Law proposed only to change the name of Chapter 41 of the Civil Code and put it in the wording of “Logistics services.” The same change applies to particular articles in this chapter. It is proposed to replace the words “transport forwarding” with the words “logistics services.” This legislative initiative is caused by opinions that logistics service is a broader concept, including freight forwarding services. In foreign trade practice, these activities are separated and considered expedient from the process organization [11]. In such interpretation, considering the modern tendencies on the market of transport services, it is appropriate to use the concept of forwarding, which, at the first stage of legislation improvement, can be considered identical transport and logistics activities.

A significant period has passed from the adoption of Chapter 41 of the Civil Code of the Russian Federation and the analyzed Federal Law. Economic relations have noticeably changed; new ties that require legal consolidation appeared. Based on the current state of the market of transport services, the emergence of a related concept of transport logistics, its importance, and the role requires the establishment of deeper legal corrections. These may include introducing the term “transport logistics,” which has become common in practice. With this in mind, Chapter 41 of the Civil Code of the Russian Federation and the Federal Law could be called “On transport logistics and transport expedition.”

The absence of special legal regulations of transport logistics leads to applying legal norms regulating similar relations. The Decree No. 554 of September 8, 2006, approved the Rules of transport and forwarding activities, which, in most cases, are also used during the registration of relations on transport logistics [7]. For practical training, the rules of transport and logistics services are also offered by the Reference Legal System “Consultant Plus” in the form of a rough estimate of the rules of transport and forwarding activity approved by the Government of the Russian Federation. This fact testifies an urgent need for a particular by-law regulation of relations in transport logistics. The form of the rules prepared for the legal system cannot be approved for several reasons. Firstly, the rules are supposed to be approved by the organization providing transport and logistics services, which
would mean giving them the character of an internal document of the company, which does not bind for other emerging relationships. Secondly, all inaccuracies of legal formulations and violations of the basic concepts of civil law theory in the rules approved by the Government of the Russian Federation were transferred to the analyzed document. Therefore, the offered definition of the contract of transport expedition (contracts on transport and logistics services) formulated as a civil-law transaction does not correspond to the concept of the contract fixed in the Civil Code of the Russian Federation as agreements of two or several people about the establishment, change, or termination of civil rights and duties (item 420). According to the rules of transport-forwarding activity, the client issues a completed and signed an order to the forwarder. The execution of the contract itself is not mentioned. The execution of the order by the forwarder is connected with the moment when the customer receives a written confirmation of his consent by the forwarder. The same rule was transferred to the regulations of rendering transport and logistics services. It is not easy to agree with such an approach to the registration of contractual relations. It is thought that it was not necessary to establish unique methods compared with the existing rules of the conclusion of civil contracts, the proposed application (written order of the client to the executor), and confirmation of their agreement with the forwarding agents is nothing but an offer and acceptance. The very moment of the contract is defined in paragraph 1 of Art. 433 of the Civil Code.

There are other shortcomings in the analyzed forms of the rules not included in the study. At the same time, the content of these documents confirms the necessity of special legal regulation of transport logistics not through adapting the existing normative acts that regulate similar relations but by the development of new legal acts considering its features and based on classical categories of contract law. It is also necessary to consider the trends in the development of the digital economy, which may seriously change the design of transport and logistics activities, for example, in the written form of various accompanying freight forwarding documents, including the provision of transport and logistics services.

Transport logistics is an entrepreneurial activity. Therefore, the provision of services is reimbursable; it is subject to civil law contracts. There are two main approaches to the description of deals in the field of transport logistics. According to the first approach, transport logistics refers to transport contracts, a system highlighted by the criteria of the subject composition and direction of transport contractual legal relations. According to the second position, transport logistics refers to transport contracts and is even identified with it. It seems that none of these approaches can be accepted. The current Russian legislation contains the legal definition of the contract of transport expedition, according to which the forwarder can provide various services. In secondary legal literature, they are classified into basic and additional services. According to subclause 3, p.1, article 801 of the Civil Code of the Russian Federation, such operations necessary for cargo delivery as obtaining documents required for export or import, performing customs and other formalities, checking the quantity and condition of cargo, its loading and unloading, payment of duties, charges and other expenses imposed on the client, storage of cargo, its receipt at the point of destination, and performing other operations and services provided for by the contract may be provided as additional services [18]. As it was noted, the listed functions represent nothing but transport and logistics services. Accordingly, the text of this paragraph of the article of the Civil Code of the Russian Federation, before the relevant changes, applying the method of teleological interpretation, has a complete application and applies to transport and logistics activities.

Thus, the freight forwarder may conclude a transport forwarding agreement, containing elements and agreements on transport and logistics services. Simultaneously, only a separate contract for the provision of transport and logistics services may be concluded. In such a case, the parties shall conclude an agreement not provided for by the law, which is named untitled in the civil doctrine.
To ensure the proper quality of transport logistics services, it is possible to adopt national standards to provide logistics services approved by departmental acts of the Ministry of Transport of the Russian Federation.

5. Conclusion

The modern economic development assumes the consideration of transport logistics as an economical category and a legal institution. This approach allows naming the organizational and legal aspects of transport logistics, which are factors of its sustainable development. Organizational factors are the state control over organizations engaged in logistics. Among the legal measures, additions are proposed to the existing federal laws, including changes in certain sections of the Civil Code of the Russian Federation devoted to transport contracts. The improvement of legal mediation of transport logistics should continue because it is becoming increasingly crucial for developing the national economy and ensuring its competitiveness in the domestic and international markets. In-depth scientific research on the theory of economic and legal analysis of relations in transport logistics in sustainable development is necessary. It is essential to carry out a complex examination of normative legal acts devoted to regulating transport relations.

The legal institute of transport logistics should contain norms taking into account the development of digital economy and digital rights, peculiarities of conclusion and execution of contracts for legal sustainable development is necessary. It is essential to carry out a complex examination of normative legal acts devoted to regulating transport relations.

The legal institute of transport logistics should ensure the national standards of regulating similar relations by implementing Russian law. The analysis of contracts should continue because it is becoming increasingly crucial for developing the national economy and ensuring its competitiveness in the domestic and international markets. In-depth scientific research on the theory of economic and legal analysis of relations in transport logistics in sustainable development is necessary. It is essential to carry out a complex examination of normative legal acts devoted to regulating transport relations.

The legal institute of transport logistics should contain norms taking into account the development of digital economy and digital rights, peculiarities of conclusion and execution of contracts for transport and logistics services. During legislative work, it is necessary to use the positive foreign experience of regulating similar relations by implementing Russian law. The analysis of contracts formalizing transport and logistics services that were not the subject of separate scientific knowledge should be carried out, taking into account the law enforcement practice.

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