

# Guide for Vehicle Owners in Ukraine

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## MOBILISATION OF VEHICLES

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## 1. Seizure of vehicles

### *Ways of vehicles seizure*

During martial law, state authorities can seize vehicles for military purposes in the following ways:

- eminent domain;
- expropriation;
- mobilisation.

### *What is the difference?*

**Eminent domain** and **expropriation** mean dispossession of vehicles, while **mobilisation** means temporary seizure.

Vehicles can only be expropriated from **state-owned enterprises**.

In case of **private companies**, transport may only be seized for military purposes via:

- **eminent domain**;
- **mobilisation**.

## 2. Eminent domain

### *What is eminent domain?*

Eminent domain means dispossession of vehicles which become state property for use under martial law or in a state of emergency, followed by an advance or subsequent full compensation of their value.

**Note!** *Eminent domain is regulated by:*

- *the Law of Ukraine "On the transfer, eminent domain or expropriation of property under the legal regime of martial law or a state of emergency";*
- *Resolution of the Cabinet of Ministers of Ukraine No. 998 dated 31.10.2012.*

### *Who makes the decision on eminent domain?*

Eminent domain during martial law is carried out by military command together with military administrations (in case of their formation) independently or with the involvement of executive authorities, local authorities.

The decision of the military command is coordinated with the regional, district, Kyiv city state administration or the executive body of the relevant local council.

**Note!** *In the active combat areas, eminent domain may be carried out on decision of the military command without the consent of the mentioned civil authorities.*

The military command authorised to make such decisions include:

- 1) Commander-in-Chief of the Armed Forces of Ukraine;
- 2) Commander of the Joint Forces of the Armed Forces of Ukraine;
- 3) commanders of separate types and branches of troops (forces) of the Armed Forces of Ukraine;
- 4) commanders (chiefs) of military administration bodies;
- 5) commanders of formations, military units of the Armed Forces of Ukraine and other military units formed in accordance with the legislation of Ukraine (*part 1 of Article 3 of the Law of Ukraine "On the legal regime of martial law"*).

**Note!** *The President of Ukraine in his Decree No. 64/2022 specified the list of bodies and persons belonging to the military command, namely the item 5) above, in the following way:*

*commanders of military units, units of the Armed Forces of Ukraine, the State Border Guard Service of Ukraine, the State Special Transport Service, the State Service of Special Communications and Information Protection of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Guard of Ukraine.*

Only these bodies and persons are authorised to decide (in the form of an order or directive) on the eminent domain of private vehicles in favour of the state during martial law.

**Note!** *Military administrations do not belong to the military command and are, therefore, not authorised under the law to independently decide on the eminent domain of vehicles during martial law.*

### ***What are the ways of eminent domain of vehicles?***

Eminent domain of vehicles under martial law is carried out with full advance compensation of their value, and in case of impossibility of full advance compensation, such vehicles may be seized with subsequent full compensation of their value.

The appropriate method of eminent domain should be determined in the military command's decision.

### ***What is the procedure for eminent domain of vehicles?***

The vehicle value is assessed basing on the military command's decision on eminent domain of vehicles.

After the assessment, the relevant act of eminent domain of vehicles shall be signed.

**Note!** *The act form has been approved by Resolution of Cabinet of Ministers of Ukraine No. 998 dated 31.10.2012.*

Such an act shall include:

- the name of the military command and body that approved eminent domain of vehicles, or the name of the military command or body having made such a decision;
- a representative's full name and position;

- details of the decision (date, number, name of the decision, name of the military command and authority that approved eminent domain, or name of the military command, or the body having made such a decision);
- the grounds for eminent domain (e.g., introduction of martial law);
- data of the vehicle owner (name, location, company code);
- details of the document confirming ownership;
- description of the vehicles sufficient to identify it (make, model, chassis number, year of manufacture and other data, the more, the better);
- details of the person who made the assessment report;
- data on the assessment report;
- vehicle value as per the assessment report.

The act is signed by the vehicle owner or legal representative thereof and authorised persons of the military command and the body having approved the decision on eminent domain of the vehicles, or the military command or body having made such a decision, and sealed by the military command and/or the relevant bodies.

The presence of the vehicle owner or the binding nature of his signature on the act is not mandatory. The law directly provides for the possibility of signing the act without the owner's participation.

In this situation, the owner is entitled to access the act at any time and get a copy of it, which will be needed for the subsequent refund of the vehicle's value.

The ownership to vehicles is transferred to the state from the date of signing an act.

### 3. Mobilisation (execution of military transport duty)

#### ***What is mobilisation?***

For private companies, mobilisation of vehicles means execution of military transport duty under *Article 6 of the Law of Ukraine "On mobilisation training and mobilisation"*.

**Note!** *The matter is regulated by:*

- *Law of Ukraine No. 3543-XII of 21.10.1993 "On mobilisation training and mobilisation";*
- *Resolution of the Cabinet of Ministers of Ukraine No. 1921 dated 28.12.2000.*

#### ***What companies may be exempted from mobilisation of vehicles?***

Companies may be exempted from this duty if they implement mobilisation assignments under an agreement concluded with the Ministry of Defence to perform mobilisation tasks provided that their vehicles and equipment are involved in the production process as per the mobilisation assignments; the company's activity is of high social importance.

The list of enterprises, institutions and organisations that are of high social importance shall be approved by the Cabinet of Ministers of Ukraine on the proposal of the Ministry of Defence.

**Note!** *As of now, this list has not yet been approved.*

Prior to mobilisation, it is recommended to:

- send a letter to local state administrations and territorial centres for recruitment and social support with detailed substantiation of a company's high social importance, based on the activities, in which vehicles are involved (humanitarian aid transportation, transporting aid to military units in a combat zone, transporting locals, producing goods of high social importance, e.g., transporting wheat to bread factories, etc);
- inform local state administrations and territorial centres for recruitment and social support about vehicles involved in the production process related to mobilisation assignments.

### ***Who carries out mobilisation of vehicles?***

Mobilisation of vehicles is carried out by territorial centres for recruitment and social support, the central or regional bodies of the Security Service of Ukraine, a relevant unit of the Foreign Intelligence Service of Ukraine.

These bodies can mobilise transport on decision (order) of local state administrations.

### ***Are there any restrictions on the quantity of mobilised vehicles?***

Territorial centres for recruitment and social support seize vehicles according to the limits approved by the Cabinet of Ministers of Ukraine.

To find out the limit on seizure of vehicles and equipment set for an enterprise, a relevant state administration for information should be contacted.

### ***What if it is impossible to transfer vehicles to military units?***

Heads of companies are obliged to notify the territorial centres for recruitment and social support, on the military account of which there are vehicles and equipment in case of:

- changing the name of the company or ownership form;
- sending vehicles to other regions or outside Ukraine long-term;
- transfer of vehicles ownership;
- long-term lease (leasing);
- the vehicle being subject of a pledge as the fulfilment of an obligation under loan agreements and guarantees to a banking institution;
- other circumstances rendering the transfer of vehicles to military units impossible.

### ***What is the procedure for mobilisation of vehicles?***

The assignment to prepare for vehicles and equipment transfer to military units and carrying out the transfer itself is allocated by orders of local state administrations on the proposal of territorial centres for recruitment and social support.

Companies receive such assignments from territorial centres for recruitment and social support in the form the corresponding partial orders.

**Note!** *A partial order is an administrative document issued by the head of the local state administration, which sets out the tasks of transferring certain vehicles and equipment to military units during mobilisation, as well as the procedure, location, and terms of transfer. The head of the local state administration and the head of the territorial centre for recruitment and social support sign and seal the partial order.*

A company is entitled to request access to the partial order. To resolve this issue, the company needs to contact the head of the local state administration and the head of the territorial centre for recruitment and social support as per the vehicles location.

### ***How are vehicles transferred under a partial order?***

Companies deliver vehicles to military units within established deadlines and to designated locations.

Vehicles should be equipped with spare parts, digging tools, and refuelling equipment, in accordance with the requirements defined in *the Appendix to Resolution of the Cabinet of Ministers of Ukraine No. 1921 dated 28.12.2000*.

Vehicles and equipment are delivered to transfer locations by the company.

### ***How should transfers be formalised?***

Transfers are formalised with an acceptance and transfer certificate in the form established in *the Appendices to Resolution of the Cabinet of Ministers of Ukraine No. 1921 dated 28.12.2000*.

Such a certificate shall include:

- name of the military unit, institution, or organisation to which the vehicle or equipment is transferred, name of the authority, having mobilised the vehicle;
- position and full name of the representative of the military unit;
- name of the authority that made the decision;
- number and date of the partial order;
- circumstances under which a vehicle is involved;
- vehicle type, make, model;
- owner name, company code;
- information about the document confirming ownership;
- state number of the vehicle or equipment, identification numbers of components of the vehicle or equipment, year of manufacture, mileage (consumption of resources), stay in overhaul, available spare parts, tools and filling equipment, the amount of fuel in the tanks;
- description of defects;
- book (balance) value;

**Note!** *The (balance) value of a vehicle or equipment is determined in accordance with the balance sheet of the owner company drawn up on the last reporting date (the last day of the quarter (year)).*

An independent assessment of a vehicle or equipment can be carried out by a certified subject of valuation activity on the owner's initiative and at the owner's expense. In this case, the acceptance and transfer certificate for the vehicle and equipment should include:

- information about the person having performed the assessment;
- data on the assessment report;
- estimated value.

The acceptance and transfer certificate shall be made in three copies, signed and sealed by the authorised representative of the company, the head of the territorial centre for recruitment and social support or its authorised representative and the commander of a military unit, institution and organisation of a military unit or its authorised representative, to whom the vehicle is transferred.

### ***What is the procedure for returning vehicles?***

The vehicles are returned by military units, institutions, and organisations of military units they were used by, **within 30 calendar days** from the date of the announcement of their demobilisation through the relevant centres for territorial recruitment and social support.

For its vehicles to be returned, a company shall apply to the territorial centre for recruitment and social support at the location of their involvement.

The terms and venues of return of vehicles are determined by the territorial centres for recruitment and social support and should be approved by local state administrations.

Vehicles and equipment are returned with the relevant registration documents and state number plates.

The return is formalised by a certificate that contains essentially the same data as the acceptance and transfer certificate, but instead of the book value, it contains information about the damages caused to the vehicle, the person who performed the assessment and assessment report details.

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This publication is intended to provide a general overview and answer common questions regarding the procedure for vehicle mobilisation in Ukraine. This should not be viewed as legal advice. For more details, or if you would like to discuss your specific case with us, please email us or [use our contact form](#).

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