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SELECT PROVISIONS OF THE COMMERCIAL MARITIME CODE OF THE RUSSIAN FEDERATION

Translated by William Honea

Translator's Introduction: The Commercial Maritime Code of the Russian Federation (RMC) entered into force on April 30, 1999.¹ The RMC is a far-reaching and progressive document that seeks to provide a framework for all commercial maritime activities within Russia.² The RMC uses the language of the 1982 United Nations Convention on the Law of the Sea, and implements treaties and agreements including those that cover oil pollution,³ vessel arrest,⁴ and competency standards for seafarers.⁵ It occupies the field of Russian maritime law, specifically replacing a long list of inherited Soviet laws.⁶ It regulates the movement of goods at sea,⁷ many common aspects of maritime commerce,⁸ and it spells out in detail the process for securing maritime creditor's rights.⁹ It strongly recognizes property rights in vessels,¹⁰ but contains whimsical reminders of a socialist past.¹¹ Like omnibus pieces of U.S. legislation, it provides grants of regulatory authority to agencies.¹² At other junctures, it relies on follow-up legislation to flesh out its provisions.¹³

This translation is intended for U.S. readers who wish to acquaint themselves with some of the basic provisions of the RMC. As such, it is not translated in its entirety here. However, its general provisions and those provisions governing the regulation of vessel flag and registry have been translated and are printed below in full text. In addition, this translation provides a list of the remaining RMC provisions governing specific aspects of maritime law.

¹ Commercial Maritime Code of the Russian Federation, No. 81-FZ (adopted by the State Duma, Mar. 31, 1999, approved by the Federation Council, Apr. 22, 1999) (Russ.) [hereinafter RMC]

² See RMC, art. 1(1).

³ See, e.g., RMC, art. 327 (implementing International Convention for the Prevention of Pollution from Ships, (MARPOL 73/78), IMCO Doc. MP/CONF/WP 35, Nov. 2, 1973, *reprinted in* 12 I.L.M. 1319 (1973)).

⁴ Compare RMC, *supra* note 1, art. 390, with International Convention on the Arrest of Ships, *opened for signature* Sept. 1, 1999, U.N. Doc. No. A/CONF.188/6, Mar. 12, 1999, art. 3.

⁵ Compare RMC, *supra* note 1, art. 54, with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), July 7, 1978, *reprinted in* 6D BENEDICT ON ADMIRALTY, Doc. 14-6, at 14-483 (7th rev. ed. 1998).

⁶ See RMC, *supra* note 1, art. 428.

⁷ RMC, *supra* note 1, ch. VIII.

⁸ See, e.g., RMC, *supra* note 1, ch. XI (Bareboat Charter Contracts).

⁹ See, e.g., RMC, *supra* note 1, ch. XXIII (Vessel Arrests).

¹⁰ See RMC, *supra* note 1, art. 13.

¹¹ See RMC, *supra* note 1, art. 19(2) (giving the All-Russia Workers' Union a say in whether a foreign flagged fishing vessel should be authorized to temporarily reflag as a Russian vessel.)

¹² See RMC, *supra* note 1, art. 6.

¹³ See, e.g., Decision of the Government of the Russian Federation #404, May 24, 2000 (Russ.) (implementing Article 4(1), providing that coasting trade by foreign vessels may be authorized only when no equivalent Russian vessels are available, or in cases of special need).

(The following provisions are translated in this Article):

Ch. I.	General Provisions	Arts. 1-12
Ch. II.	The Vessel	Arts. 12-32
	§ 1. Vessel Ownership	Arts. 12-14
	§ 2. Flag and Nationality of the Vessel	Arts. 15-19
	§ 3. Vessel Identification	Arts. 20-21
	§ 4. Regulatory Oversight over the Vessel & Vessel Documents	Arts. 22-32
Ch. III.	Vessel Registration and Attendant Rights	Arts. 33-51

(The following provisions are not translated in this Article):

Ch. IV.	The Vessel's Crew and Captain	Arts. 52-73
Ch. V.	Port State Control	Arts. 74-84
Ch. VI.	Marine Pilots	Arts. 85-106
Ch. VII.	Sunken Property	Arts. 107-114
Ch. VIII.	Contracts for the Carriage of Goods by Sea	Arts. 115-176
Ch. IX.	Contracts for the Carriage of Passengers by Sea	Arts. 177-197
Ch. X.	Time-Charter Contracts	Arts. 198-210
Ch. XI.	Bareboat Charter Contracts	Arts. 211-224
Ch. XII.	Towing Contracts	Arts. 225-231
Ch. XIII.	Vessel Agency Contracts	Arts. 232-239
Ch. XIV.	Marine Mediation Contracts	Arts. 240-245
Ch. XV.	Marine Insurance Contracts	Arts. 246-283
Ch. XVI.	General Average	Arts. 284-309
Ch. XVII.	Compensation for Damages—Collision of Vessels	Arts. 310-315
Ch. XVIII.	Liability for Pollution Arising from the Maritime Transport of Oil	Arts. 316-325
Ch. XIX.	Liability for Damages Arising from the Maritime Transport of Hazardous Materials	Arts. 326-336
Ch. XX.	Rescue of Vessels and Other Assets	Arts. 337-353
Ch. XXI.	Limitation of Liability for Maritime Claims	Arts. 354-366
Ch. XXII.	Vessel Liens: Vessel Mortgages and Bottomry	Arts. 367-387
Ch. XXIII.	Vessel Arrest	Arts. 388-393
Ch. XXIV.	Maritime Protests	Arts. 394-401
Ch. XXV.	Claims and Actions—Limitations of Actions	Arts. 402-413
Ch. XXVI.	Applicable Law	Arts. 414-427
Ch. XXVII.	Concluding Provisions	Arts. 428-430

CHAPTER I. GENERAL PROVISIONS

Article 1. Contractual Relations Governed by the Commercial Maritime Code of the Russian Federation

1. This Code shall regulate relations arising from commercial navigation. Relations arising from commercial navigation shall be regulated by those other federal laws (hereinafter “laws”), decrees of the President of the Russian Federation, and other legal acts of the Government of the Russian Federation (hereinafter “other legal acts of the Russian Federation”), that conform to this Code.

2. Contractual relations, arising from commercial navigation, and based on the equality, free will, and bargaining power of their participants, shall be governed by this Code, and in accordance with the Civil Code of the Russian Federation. Relationships not regulated by this Code, or not regulated in full by this Code shall be governed by the civil legislation of the Russian Federation.

Article 2. Commercial Navigation Defined

For the purposes of this Code, “commercial navigation” shall be understood to mean activity involving the use of vessels for:

- The carriage of goods, passengers, and their baggage;
- The fishery of marine living resources;
- The exploration and exploitation of mineral and other non-living resources of the sea-bed and its subsoil;
- Pilotage and ice-breaking escorts;
- Search, rescue, and towing operations;
- The recovery of sunken assets;
- Hydrotechnical, underwater technology and other similar projects;
- Sanitary, quarantine, and other monitoring;
- Protection and preservation of the marine environment;
- Marine scientific research;
- For educational, recreational, and cultural purposes;
- For other purposes.

Article 3. The Application of Code Regulations

1. The regulations established by this Code shall extend to:

- Vessels on both sea routes and inland waterways, unless otherwise provided by international treaty or law of the Russian Federation;
- Coastal ships, including mixed-use (river-sea) vessels during their voyages by sea, on inland waterways when carrying goods or

passengers and their baggage and making call at a foreign seaport, during rescue operations, or when involved in collisions with a sea-going vessels.

2. The regulations of this Code shall not extend to the following vessels, except where specifically provided by the Code:

- Warships, auxiliary warships, and other State-owned vessels, or vessels operated by the State and used solely for non-commercial purposes;
- Non-commercial state-owned cargoes.

If this Code specifically provides for the extension of its regulations to the vessels and cargoes described in this Article, such regulations shall not be interpreted as grounds for the arrest and detention of such vessels and cargoes.

Article 4. Carriage and Towing Between Seaports of the Russian Federation

1. Carriage and towing between seaports of the Russian Federation (cabotage) shall be effected by vessels sailing under the flag of the Russian Federation.

2. In accordance with the international treaties and agreement of the Russian Federation, or in situations and under conditions provided by decree of the government of the Russian Federation, carriage and towing in the coasting trade may be carried out by ships sailing under a foreign flag.

Article 5. Commercial Navigation—Administration

1. Regulation of commercial navigation shall be administered by the federal executive agency with responsibility for transportation, and by the federal executive agency with responsibility for fishing, and by other federal executive agencies within their competency.

2. In accordance with international treaties and agreements of the Russian Federation, this Code, and other laws and acts of the Russian Federation, the federal executive agency responsible for transport shall issue, within the scope of its competency, the rules and regulations binding on organizations and individuals, and other enactments containing the generally accepted legal standards which regulate relations arising from commercial navigation.

3. In accordance with the international treaties and agreements of the Russian Federation, this Code, and other laws and acts of the Russian Federation, the federal executive agency responsible for fisheries shall issue, within the scope of its competency, rules and regulations binding on

organizations and individuals whose activities involve the use of ships as fishing vessels, as well as other regulations containing the generally accepted legal standards that regulate transactions arising from the harvest of living marine resources.

4. Navigational and Hydrographic support shall be provided by the federal executive agency responsible for defense.

Article 6. State Regulation of Commercial Navigation

1. State regulation of commercial vessels shall be exercised by the federal executive agency responsible for transportation, as well as the federal executive agency responsible for fisheries in accordance with clauses 2 and 3 of this article.

2. The federal executive agency responsible for transportation shall exercise governmental oversight over:

- Compliance with international treaties and agreements of the Russian Federation concerning commercial navigation, and legislation of the Russian Federation concerning commercial navigation;
- The safety of human life at sea;
- The certification of vessel crew members, excluding vessel crew members engaged in the fishing of living marine resources;
- The State registry of ships, and their associated rights;
- The pilot service and the system of vessel traffic control within seaports;
- Salvage services, and their coordination with other rescue services;
- The condition of sea-routes;
- The protection of the marine environment.

3. The federal executive agency responsible for fisheries shall exercise governmental oversight over:

- Compliance with the international treaties and agreements of the Russian Federation concerning commercial vessels, and legislation of the Russian Federation on commercial fishing vessels;
- The safety of human life at sea;
- Certification of crewmembers engaged in fishing for living marine resources;
- State registry of fishing vessels and their associated rights;
- Pilotage and the system of vessel traffic control in fishing ports.

4. State regulation of recreational and pleasure vessels shall be exercised under the orders of the Government of the Russian Federation.

Article 7. Vessel Defined

1. For the purposes of this Code, "vessel" shall mean a self-propelled or a non-self-propelled floating structure used for commercial maritime purposes.
2. For the purposes of this Code, "fishing vessel" shall mean vessels serving the fishing industry, and used for the fishing of living marine resources, including tender vessels, auxiliary vessels, and specialized fishing vessels.

Article 8. Vessel Owner Defined

For the purposes of this Code, the vessel owner shall mean a person operating a vessel for his benefit, regardless of whether that person owns the vessel, or is operating the vessel on some other legal basis.

Article 9. Ports—Port Authorities Defined

1. For the purposes of this Code, "commercial port" shall mean a complex of structures located on a specially designated land and water territory, intended for the service of vessels used for commercial activities, the service of passengers, freight operations, and other services usually rendered in a commercial seaport.
2. For the purposes of this Code, "fishing port" shall mean a complex of structures located on a specially designated land and water territory, intended primarily for the comprehensive service of fishing vessels.
3. For the purposes of this Code, "specialized port" shall mean a complex of structures located on a specially designated land and water territory, intended for the service of vessels carrying specialized cargoes (timber, oil, and others).

Specialized ports include ports designed to service recreational and pleasure vessels.

4. For the purposes of this Code, "port authorities" shall mean the appropriate port authorities, exercising the administrative, plenary, and other powers vested in them by the Government of the Russian Federation.
5. The activity of the ports indicated in clauses 1-3 of this Article shall be carried out in accordance with the Law on Seaports of the Russian Federation.

Article 10. Gross Tonnage

For the purposes of Articles 23, 27, 28, 320, 326, 331, and 359 of this Code, the "tonnage of the vessels" shall mean its gross tonnage, defined in

accordance with the rules of ship measurement, as set forth in Appendix 1 to the 1969 International Convention on Ship Measurement.

Article 11. Unit of Account

1. The unit of account, as referenced in Articles 170, 190, 320, 331, 359, and 360 of this Code, shall be unit of the special drawing right as defined by the International Monetary Fund.

2. In accordance with the value of the ruble in terms of the special drawing rights, the conversion of the ruble shall be made on the following dates:

- On the date of the decision by a court of law, court of arbitration, or arbitral tribunal, or on the date set by agreement of the parties, the amount indicated in Articles 170 and 190 of this Code;
- On the date a fund is established for limited liability in accordance with Articles 320 and 331 of this Code; or
- On the date a limited liability fund is established, and payments or security equivalent to payments are provided, in accordance with Articles 359 and 360 of this Code.

The value of the ruble in units of the special right of withdrawal on the date in question shall be calculated in accordance with the operations and accounting procedures of the International Monetary Fund.

CHAPTER II. THE VESSEL

Section 1. Vessel Ownership

Article 12. Right of Vessel Ownership

1. Ships may be owned by:

- Individuals and legal entities;
- The Russian Federation, and sub-entities of the Russian Federation;
- Municipal entities.

2. Only the Russian Federation may own vessels with nuclear power plants.

Article 13. The Rights of the Vessel Owner

The vessel owner shall have the right to undertake any actions with respect to a ship that are not in violation of the laws and acts of the Russian Federation, and which do not infringe on the rights and the legally protected interests of other persons, including the right to alienate a vessel and transfer it into the ownership of other persons, to transfer rights of possession, use

and disposal of the vessel; while the owner of a vessel, to mortgage the vessel, and to encumber the vessel or dispose of it in any other way.

Article 14. Transfer of a Vessel into the Management of a Trust

1. The vessel owner shall have the right to transfer the vessel to a trust manager under the contract of trust management of the vessel for a term not to exceed five years in order to operate the vessel for the benefit of the owner.

- A vessel held in financial or operational management shall not be transferred into trust management.
- Transfer of a vessel into a trust management does not transfer the right of ownership to the trust manager.

2. The transfer of a vessel into trust management shall be subject to obligatory registration in the State registry or the vessel registry.

3. An individual entrepreneur or commercial entity, other than a sole proprietorship, may be a trust manager of a vessel, if he or it is competent to operate such vessels.

4. The contract for trust management of a vessel shall set forth the parties to the contract, the rights and duties of the trust manager, and the amount and form of compensation.

Section 2. Vessel Flag and Nationality

Article 15. The Right to Sail Under the Flag of the Russian Federation

1. The right to sail under the flag of the Russian Federation shall be granted to vessels owned by:

- Citizens of the Russian Federation;
- Legal entities in accordance with the laws of the Russian Federation;
- The Russian Federation and its subordinate governmental entities;
- Municipal entities.

2. On the basis of a decision made by a federal executive agency under clause 3 of this Article, the right to sail under the flag of the Russian Federation may be granted on a temporary basis to a vessel registered in the foreign register of ships, and provided for use and possession to a Russian charterer under a contract without a crew (bareboat charter), provided:

- The vessel charterer under the bareboat charter meets the definition of a vessel owner in accordance with clause 1 of this Article;
- The vessel owner gives his written consent to the placement of the vessel under the State flag of the Russian Federation;

- The legal holder of a mortgage or other similar obligation on the vessel, established and registered under the laws of the State of the vessel owner, gives his written consent to transfer of the vessel to the flag of the Russian Federation;
- The laws of the vessel owner's country do not prohibit the vessel's sailing under the flag of a foreign State;
- The right to sail under the flag of a foreign State is suspended or will be suspended at the time the ship is granted the right to sail under the flag of the State flag of the Russian Federation.

3. Decisions on granting the right to sail under the State flag of the Russian Federation to a ship registered in a foreign ship registry, other than fishing vessels, shall be made by the federal executive agency with authority over transportation. For fishing vessels, such decisions shall be made by the federal executive agency with authority over fishing, observing the requirements set forth in clause 2 of this Article.

The right to sail under the State flag of the Russian Federation may be granted for a period not to exceed two years, and may be renewed every two years, but not for a period longer than that of the underlying bareboat charter. For the purposes of a change of flag under this section, the term of the bareboat charter shall not be less than one year.

When a vessel is granted the right to sail under the State flag of the Russian Federation, the federal executive agencies set forth in the first paragraph of this clause shall assign the vessel name.

Suspension of the of the validity of a decision granting a vessel the right to sail under the State flag of the Russian Federation shall be done in the same fashion as the decision itself.

Article 16. Commencement of the Right to Sail Under the State Flag of the Russian Federation

1. A vessel shall acquire the right to sail under the State flag of the Russian Federation from the time its registration is included in one of the vessel registries of the Russian Federation as set forth in clause 1 of Article 33 of this Code.

2. A vessel acquired outside the Russian Federation shall enjoy the right to sail under the State flag of the Russian Federation from the time of the issuance by a consular office of the Russian Federation of an interim certificate providing such right, which shall be valid until the registration of the vessel in the State registry, but in no case will such interim certificate be valid for more than six months.

Article 17. Vessel Nationality

1. A vessel shall have Russian Federation nationality when such vessel exercises the right to sail under the State flag of the Russian Federation.
2. A vessel that has Russian Federation nationality has a duty to fly the State flag of the Russian Federation.

Article 18. Forfeit of Rights to Sail Under the State Flag of the Russian Federation

A vessel shall forfeit the right to sail under the State flag of the Russian Federation, if:

- It fails to meet the requirements set forth in clause 1, Article 15 of this Code;
- The period has expired for which the vessel was granted the right to sail under the State flag of the Russian Federation, in accordance with clauses 2 and 3 of Article 15 of this Code, or if such right has been revoked.

Article 19. Temporary Reflagging of a Vessel Under the Flag of a Foreign State

1. When a vessel registered under the State registry is given up for use of possession to a foreign charterer under a bareboat charter, such vessel may be provisionally reflagged under the flag of a foreign State pursuant to a decision by one of the federal executive agencies referred to in clause 2 of this Article, provided, that this shall suspend the right to sail under the State flag of the Russian Federation, if:

- The vessel owner has given written consent to the reflagging of the ship to the flag of a foreign State;
- In the absence of early satisfaction, the holder of a lien on the vessel, established and registered in accordance with the applicable statute, in the event the lien has not been satisfied, has given written consent to the reflagging of the vessel under the flag of a foreign State; and
- The law of the charterer's State does not prohibit granting a vessel registered in the State registry the right to sail under the flag of that State, or prohibit the return of the vessel to the flag of the Russian Federation upon the expiration of the term granting the vessel the right to sail under the flag of the foreign State.

2. A decision on reflagging of a vessel to the flag of a foreign State of a vessel, other than a fishing vessel, shall be made by the federal executive agency with responsibility for transportation; decisions on the reflagging of a fishing vessel shall be made by the federal executive agency with

responsibility for fisheries, in accordance with the provisions of clause 1 of this Article and with due regard for the views of the All-Russia Union of Workers for the relevant area of activity.

A vessel may be reflagged under the flag of a foreign State for a period not to exceed two years, with a right of extension every two years, but no longer than the term of the underlying bareboat charter. The term of the bareboat charter may not be for a period of less than one year for the purposes of reflagging.

Suspension of the validity of an order allowing a vessel to reflag to the flag of a foreign State shall be done in the same fashion as the order itself.

Section 3. Vessel Identification

Article 20. Vessel Name

1. A vessel that may be registered in the State registry shall have a unique name.

The name shall be given to the vessel by its owner in accordance with the regulation promulgated by the federal executive agency with responsibility for transportation, by agreement with the federal executive agency with responsibility for fisheries, as well as other interested federal executive agencies.

2. The vessel name may be changed upon a transfer of ownership of the vessel, or upon a showing of sufficient need.

Vessel lien holders recorded in the ship registry shall be promptly notified of name changes.

Article 21. Call Sign

1. Each vessel shall be assigned a call sign. Depending on equipment, the vessel may be given a satellite station identification number and station selective call number.

2. Procedures for designating a vessel's call sign shall be established by the federal executive agency with responsibility for communications. Procedures for designating the vessel's satellite station identification number and selective call number shall be established by the agency with authority over electro-radio navigation and satellite communication.

Section 4. Technical Regulatory Oversight over Vessels and their Documents

Article 22. Agencies for Technical Oversight and Rating of Vessels

1. Technical regulatory oversight over vessels, as set forth in clause 2 of Article 23 of this Code, and their ratings, shall be carried out by the Russian regulatory agencies and rating bodies (hereinafter, regulatory oversight agencies and rating bodies).
2. The regulatory oversight agencies and rating bodies shall publish rules for the ratings of vessels and their construction, the regulation of vessels in service, and production of materials and products for vessels. The regulatory agencies and rating bodies shall have the power to prohibit the operation of vessels, vessel machinery, devices, and other vessel equipment in the event that said regulations are not fulfilled, and shall have the authority to revoke papers issued by such agencies authorizing their operation.
3. The regulatory agency and vessel rating bodies shall act in accordance with the relevant documents, approved by the federal agency with responsibility for transportation.

Article 23. Technical Regulatory Oversight over Vessels

1. A vessel may be permitted to sail only after it meets the applicable navigational safety requirements.
2. The regulatory agencies and ratings bodies shall exercise regulatory oversight over passenger vessels, passenger-cargo carriers, oil tankers, and tugboats in accordance with their powers, as well as over other self-propelled vessels with main engines of at least 55 kW capacity, and over non-self-propelled vessels of at least 80 tons capacity, with the exception of recreational and pleasure vessels used for non-commercial purposes.
3. Regulatory oversight over recreation and pleasure vessels, regardless of the capacity of their main engines or tonnage, or over other vessels to which the regulations of this section do not apply as set forth in Article 2 of this section, shall be exercised by the regulatory agencies charged with this responsibility by the Government of the Russian Federation.

Article 24. Vessel Rating

In accordance with their powers, the regulatory agencies and vessel rating bodies shall classify the vessels covered under clause 2, Article 23 of this Code. The conferring of class shall be attested to by rating certificates.

Article 25. Basic Vessel Documents

1. A vessel shall have the following basic documents:
 - i. A certificate of its right to sail under the flag of the Russian Federation;
 - ii. A certificate of title to the ship;
 - iii. A certificate of seaworthiness;
 - iv. A certification of passenger ship status (only for passenger ships);
 - v. A measurement certificate;
 - vi. A load-line certificate;
 - vii. An oil pollution prevention certificate;
 - viii. A sewage pollution prevention certificate;
 - ix. A refuse prevention certificate;
 - x. A license for the ship radio, and a radio log (if the ship has a radio);
 - xi. A vessel manifest;
 - xii. A log book;
 - xiii. A log book of engine performance (for vessels with a mechanical engine);
 - xiv. A sanitation journal;
 - xv. A sewage management journal;
 - xvi. A solid waste management journal;
 - xvii. A journal of oil management for ships other than oil tankers;
 - xviii. A journal of oil management for oil tankers;
 - xix. A vessel health certificate for the right to sail.
2. A ship used for sanitary, quarantine, or other control need not have a log book, a log book of engine performance, or a sanitation journal, unless otherwise provided by the bodies exercising regulatory oversight over vessels in accordance with clauses 2 and 3 of Article 23 of this Code.

Article 26. Additional Vessel Documents

Other than the documents specified in Article 25 of this Code, a vessel should possess all other documents specified by the rules published by the agency with responsibility for technical oversight pursuant to clauses 2 and 3 of Article 23 of this Code.

Article 27. Documents for Certain Types of Vessels

1. Recreation and pleasure vessels and other self-propelled vessels whose engines produce less than 55 Kw capacity, and non-self-propelled vessels of less than 80 tons of gross tonnage shall have the following documents:

- Vessel Documentation;
- A seaworthiness certificate;
- Vessel Manifest.

2. The vessel documentation of a vessel indicated in clause 1 of this Article shall certify the right to sail under the State flag of the Russian Federation, the ownership of the vessel by definite entity, and the vessel's tonnage.

Article 28. Ship Documents for Vessels Sailing to Foreign Waters

Vessels bound for foreign waters shall have documents provided by international treaties and agreements of the Russian Federation in addition to the documents indicated in Articles 25-27 of this Code.

Article 29. Authorities Issuing Vessel Documents

1. A certificate of the right to sail under the State flag of the Russian Federation, vessel documentation, and a certificate of vessel title shall be issued by the body that registers the vessel.

2. A seaworthiness certificate shall be issued by the agency with regulatory oversight over the vessel in accordance with clauses 2 and 3 of Article 23 of this Code.

3. A measurement certificate, passenger transportation certificate, load-line certificate, an oil pollution prevention certificate, and a solid waste pollution prevention certification shall be issued by the regulatory oversight agencies and vessel rating bodies. By permission of such agencies, certain categories of ships may not be required to have a measurement certificate or load-line certificate.

4. For foreign-bound vessels, the documents set forth by the international agreements of the Russian Federation shall be issued by the regulatory agency or ratings body that has been certified by the respective international organization in accordance with the standards of the International Organization for Standardization.

5. Vessel radio licenses shall be issued by the federal executive agency with authority over communications.

6. The vessel sanitation certificate granting the right to sail shall be issued by the sanitation-epidemiological agencies with responsibility for marine transport in the Russian Federation.

7. For the issuance of documents specified in this Article, fees may be charged in accordance with legislation adopted by the Government of the Russian Federation.

Article 30. Recognition of Documents of Vessels Sailing Under the State Flag of a Foreign State

The documents of a vessel sailing under the flag of a foreign State, and calling at Russian Federation ports shall be recognized under the international treaties and agreements of the Russian Federation.

Article 31. Vessel Documents—Requirements

A vessel must be in possession of the originals of all vessel documents, with the exception of the vessel title, and the vessel documentation, the copies of which shall be certified by the issuing agency.

Article 32. Vessel Documents—Maintenance of

1. The vessel manifest and the vessel's journals, described in subclauses xii through xviii of clause 1 of Article 25 of this Code, other than the fishing vessel journals, shall be kept in accordance with the regulations set by the federal executive agency with responsibility for transportation; the vessel manifest and the journals of fishing vessels, described in subclauses xii through xvii of clause 1 of Article 25 of this Code shall be kept in accordance with the regulations set by the federal executive agency with responsibility for fishing.

2. The vessel log for the two years prior to its most recent entry shall be kept aboard the vessel. After such time vessel logs shall be filed with the federal executive body that licensed the vessel.

3. The vessel log shall be submitted for review and copying to individuals having the right to receive such information.

In the event of a sale of the vessel to points outside the Russian Federation, the vessel log shall be submitted for review and copying to persons who have the right to receive such information during the period preceding the sale.

CHAPTER III. THE REGISTRATION OF VESSELS AND ATTENDANT RIGHTS

Article 33. Registries of the Russian Federation

1. A vessel shall be registered in one of the Registries of the Russian Federation (hereinafter "Registries"):

- In the State registry
- In the vessel registry
- In the bareboat charter registry

2. The right of ownership and other property rights in vessels, and well as other encumbrances and mortgages shall be registered in the State registry or the vessel registry.

3. The registration of a vessel in the State registry or the vessel registry, and the right of ownership and other property rights in vessels, including encumbrances thereto, is the sole form of proof of a right in a vessel in a dispute at law.

4. Registry books, as set forth in clause 1 of this Article, shall be kept in accordance with the regulations set forth by this Chapter.

The regulations for vessel registration and attendant rights while in port shall be set by the federal executive agency with responsibility for transportation, while the regulations for fishing vessel registration and attendant rights shall be set by the federal executive agency with responsibility for the fisheries.

5. Vessels under the supervision of the regulatory agencies and rating bodies as set forth in clauses 2 and 3 of Article 23 of this Code shall be registered in the State registry.

Vessels under the supervision of other agencies as set forth in clause 3 of Article 23 of this Code shall be provisionally registered in the vessel registry.

Launches and other floating equipment that are accessories to such vessels shall not be registered in the State registry or vessel registry.

6. Vessels granted the right to sail under the State flag of the Russian Federation as set forth in clauses 2 and 3 of Article 15 of this Code, shall be registered in the bareboat charter registry.

Article 34. Vessels Used Only For Non-Commercial State Service

1. Vessels owned by the Russian Federation and its sub-entities, or operated by them and used only for non-commercial service, other than warships, auxiliary warships, and Coast Guard vessels, shall be registered in the State registry or the vessel registry in accordance with this Chapter.

2. Vessels that are registered under regulatory schemes provided for by clause 1 of this Article may be re-registered in accordance with the regulations set forth in this chapter in the event such vessels are to be used for commercial purposes.

Article 35. Vessel Registration—Responsible Agencies

1. Vessel registration as set forth in clause 2 of Article 23 of this Code shall be effected by the director of a commercial port, except fishing vessels, which shall be registered by the director of a fishing port.

2. Vessel registration, as set forth in clause 3 of Article 23 of this Code, shall be carried out by regulatory agencies with authority over the vessels.

Article 36. Vessel Registration—Fees

Fees shall be set by order of the legislature of the Russian Federation. Fees shall be assessed for the registration of vessels in the State registry, vessel registry, or bareboat charter registry, as well as for any changes made to vessel registration therein.

Article 37. Vessel Registration—Conditions

1. A vessel may be registered in only one of the registries.
2. A vessel in the registry of a foreign State may be registered in the State registry or the vessel registry only after the vessel has been removed from the foreign registry, and a certificate has been provided attesting to such removal.

A vessel registered in the State registry or the vessel registry as well the registry of a foreign State shall not be recognized, unless the vessel is removed from the registry in the manner prescribed by law.

Article 38. Vessel Registration—Bareboat Charter Registry

1. A vessel registered in the registry of a foreign State may be registered in the bareboat charter register during the month preceding a temporary grant of authority to sail under the State flag of the Russian Federation made in accordance with clause 3 of Article 15 of this Code. A vessel may be registered by the vessel's bareboat charterer through the submission of the following mandatory documents:

- A copy of the relevant portion of the registry of the foreign State in which the vessel was registered prior to the application to reflag, showing the owner and mortgage-holder of the ship's registered mortgage, or a registered encumbrance of a similar nature, if the charterer has knowledge of such mortgage or encumbrance;
- The written consent of the vessel's owner or lien holder of the ship's registered lien or other registered encumbrance of like character to a reflagging of the vessel to the State flag of the Russian Federation;
- A document issued by the competent authorities of the foreign State in which the vessel was registered prior to the reflagging, certifying that the right to sail under the flag of that State has been suspended for the period the ship will be authorized to sail under the State flag of the Russian Federation;
- An original, and a copy of the bareboat charter contract;

- A certificate of seaworthiness;
 - A measurement certificate;
 - A passenger vessel certificate (for passenger vessels);
 - The vessel's International Maritime Organization identification number;
 - Documentation certifying that the bareboat charterer meets the requirements set forth for vessel owners under clause 1 of Article 15 of this Code;
 - The certificate of vessel name, issued by the relevant federal executive agency, as set forth in clause 3 of Article 15 of this Code.
2. Upon the registration of the vessel in the bareboat charter registry, the vessel shall be issued a certificate of the right to sail under the State flag of the Russian Federation for a period indicated in the provisional grant of the right to sail under the State flag of the Russian Federation.

Article 39. State Registry and Vessel Registry—Information to Be Recorded

1. Vessels shall be registered in the State registry or the vessel registry under the name of the vessel owner or owners.
2. The following minimum information shall be recorded in the State registry, or vessel registry:
 - The sequential vessel registration number and the date of its registration;
 - The vessel name (present and former), the homeport of any previous registration of a vessel, and the date of its cancellation (if any);
 - The vessel's port of registry, and the vessel's International Maritime Organization identification number;
 - The vessel's call sign;
 - The name and location of the shipyard in which the vessel was built, and the year in which vessel was built;
 - The class and function of the vessel, and its main area of operations;
 - The basic vessel technical data, including tonnage (gross and net), loaded cargo capacity, and the measurements of the vessel;
 - Name, citizenship, and address of the vessel owner or owners;
 - The respective shares of each shareholder in a jointly owned vessel, if there are several owners;
 - The instruments setting forth transferal of ownership rights in a vessel, or shares therein (contract for purchase and sale, shipbuilding contracts);

- The name and address of the vessel holder if he is not the owner of the vessel;
 - The name and address of the manager, if the ship has been placed in trust management;
 - Information concerning any registered mortgages, if established in accordance with Articles 376 and 377 of this Code;
 - The basis and the date on which any vessel was removed from the State Registry or vessel registry.
3. When a vessel is temporarily reflagged under the flag of a foreign State, the following minimum information shall be entered in the State registry or vessel registry in addition:
- Information indicating which federal executive agency made the decision concerning the transfer of the vessel to the foreign flag, and the date on which it made its decision;
 - The time period the ship has been permitted to be temporarily reflagged under the flag of a foreign State;
 - The name of the State under which the vessel has been permitted to temporarily reflag;
 - The name and address of the vessel charterer under bareboat charter;
 - The date on which the right to sail under the State flag of the Russian Federation was suspended.

Article 40. Bareboat Charter Registry—Information to be Recorded

1. Vessels shall be registered in the bareboat charter registry under the name of the charterer of the vessel under the bareboat charter.
2. The following minimum information shall be recorded in the bareboat charter registry:
 - The vessel name;
 - The name and address of the vessel owner;
 - The name and address of the vessel charterer under bareboat charter, the date of the expiration of the bareboat charter;
 - The time period it is to be in effect;
 - The expiration of the time period for which the vessel is authorized to sail under the flag of the Russian Federation;
 - Documentation from the registry of the foreign State in which the vessel was registered immediately prior to the bareboat charter, which recognizes that the foreign State's legislation shall govern right of vessel ownership, any liens, and any other encumbrances on the vessel registered in the registry.

Upon request of a lawful mortgage-holder or holder of an encumbrance of a similar nature, the name of the mortgage-holder and other information pertaining to mortgages or encumbrances of a similar nature on the vessel may be recorded in the State registry or vessel registry which was contained in the vessel registry of the foreign State prior to flag transfer.

Article 41. Change of Information Recorded in Registry—Duty to Inform Registrar

The vessel owner or the charterer of the vessel under bareboat charter is obligated to inform the agency under which the vessel is registered concerning any changes to information recorded in the State registry, the vessel registry, or the bareboat charter registry within two weeks of learning of such change.

Article 42. Initial Vessel Registration

The newly constructed vessel shall be registered in the State registry or vessel registry within one month from its launching. A ship acquired outside the Russian Federation shall be registered within one month of its arrival at a port of the Russian Federation.

Article 43. Change of Port—Registration

1. The port of registry of a vessel may be changed upon application of the vessel owner. Upon change of port of registry, all information contained in the State or vessel registry located in the former port of registry shall be entered in the State or vessel registry in the new port of registry, by means of documents transferred from the director of the former port of registry.

2. A vessel registering in the State registry or vessel registry in new port of registry shall be issued a new certificate of authority to sail under the State flag of the Russian Federation, or vessel documentation.

Article 44. Subsequent Vessel Registration

If for any reason a vessel no longer corresponds to the previously entered information in the State registry, it may be re-registered after an inspection and receipt of a certificate of seaworthiness.

Article 45. Vessel Documents—Accidental Loss

1. In the event of a loss of a certificate granting authority to sail under the flag of the Russian Federation, or the loss of vessel documentation, duplicates of those documents may be issued by the agency which registered the vessel.

2. If the vessel documents described in clause 1 of this Article are lost while outside the boundaries of the Russian Federation, the consular officials of the Russian Federation shall, upon application by the ship's master, issue an interim certificate granting authority to sail under the State flag of the Russian Federation, or a temporary ship card, which shall be relinquished to the vessel's registering agency within ten days of its arrival to a port of the Russian Federation in order to receive duplicates of the lost documents.

Article 46. Denial of Vessel Registration and Attendant Rights

Vessel registration may be denied in cases where:

- A person without right of law has applied for registration;
- The requirements of paragraph 1 of clause 2 of Article 37 of this Code specifying procedures for the removal of a vessel from a previous registry have not been met;
- The registration documents are not formulated in accordance with the requirements set forth by the laws of the Russian Federation;
- The person who presents a document claiming a right in the vessel is not authorized to dispose of those rights;
- The document purporting to show a right in a vessel declares on its face that the rights claimed by the applicant do not in fact exist;
- The rights sought to be registered by the applicant may not be registered in accordance with this Code.

Article 47. Removal of Vessels from the State Registry or Vessel Registry

The following vessels shall be removed from the State registry or vessel registry:

- Destroyed or missing vessels;
- Constructively destroyed vessels;
- Vessels reconstructed as a result of rebuilding or other such changes; and
- Other vessels no longer meeting the requirements specified in clause 1 of Article 15 of this Code.

Article 48. Missing Vessels

A vessel shall be considered missing if no information has been received from such vessel for a time period in excess of twice the time required in normal sea conditions to travel from the location from which the most recent information about the vessel was obtained, to the location of its intended destination. The time period for declaring a vessel as missing shall not be less than one month or more than three months from the time the most

recent information of the vessel was received. During war, said period may not be less than six months.

Article 49. Vessels—Constructive Loss

A vessel shall be considered constructively lost when:

- It cannot be registered either in the location it was recovered, or in any other location to which it can be delivered;
- Repair is not economically feasible.

Article 50. Registry—Open Records

Registry records shall be open to any party who wishes to obtain information from them. Interested parties shall have the right to receive accurate and complete copies of registry records for a fee, at a rate set by law of the Russian Federation.

Article 51. Vessel Registration Regulations—Liability for Violation

A person who fails to register his vessel, registers his vessel in violation of any regulation, or violates his duty to inform the relevant authorities about changes to information contained in the registry shall be subject to administrative liability in accordance with the laws of the Russian Federation.