

Unofficial translation. Created as part of the research project “The Ukraine Crisis and the International Law of the Sea”. Contact: **Dmytro Koval**, Associate Professor of International Law and International Relations at National University “Odesa Law Academy”, Ukraine, dkoval@onua.edu.ua; **Valentin Schatz**, Research Associate, Chair of Public Law, in particular Public International Law and European Law (Professor Alexander Proelss), University of Trier, Germany, schatz@uni-trier.de

Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on Measures to ensure the Safety of Navigation in the Sea of Azov and the Kerch Strait

The Government of the Russian Federation and the Cabinet of Ministers of Ukraine, hereinafter referred to as the Parties,

guided by the regulations of the Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine of 31 May 1997, the Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border of 28 January 2003, the Treaty between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait dated December 24, 2003, the Agreement between the Government of the Russian Federation and the Government of Ukraine on Merchant Shipping dated February 8, 1995,

noting the importance of the Sea of Azov and the Kerch Strait for the economic development of the Russian Federation and Ukraine,

wishing to promote the development of navigation in the Sea of Azov and the Kerch Strait, recognizing the need to take measures to enhance the safety of navigation in areas of intensive navigation in the Sea of Azov and the Kerch Strait, in particular the exchange of data of automatic identification systems,

conscious of the need to harmonize the conduct of the Parties in the field of navigation in the Sea of Azov and the Kerch Strait,

agreed on the following:

Article 1

Safety of navigation in the Sea of Azov and the Kerch Strait (hereinafter - the region) is ensured in accordance with the legislation of the States Parties and this Agreement.

This Agreement does not affect the obligations of the Parties under international treaties to which they are parties.

Competent authorities of the Parties responsible for the implementation of this Agreement are:

for the Russian Federation – Ministry of Transport of the Russian Federation;

for Ukraine– Ministry of Infrastructure of Ukraine.

The Parties shall inform each other in writing through diplomatic channels of all changes concerning the competent authorities.

Article 2

The Parties mutually recognize the national documents (certificates) that confirm the compliance of ships and crews with national requirements in the field of maritime safety and protection of the marine environment from pollution from vessels in relation to the navigation areas.

The port control (supervision) authorities of the Parties have the right to inspect vessels under the national flags of the Parties located in the ports of the States Parties for compliance of vessels and their crews with the specified documents (certificates).

In case of inconsistency of ships or their crews with the documents specified in paragraph one of this article the port control (supervision) authorities of one of the Parties have the right to take measures concerning vessels of the other Party, up to the refusal to issue a permit to leave the port until the identified inconsistency is rectified. In case of application of such measures, the port control (supervision) authorities of one Party should immediately notify the competent authorities of the other Party about the identified inconsistencies and the measures taken.

The competent authorities of the Parties exchange the relevant national regulations, and shall immediately inform each other of their changes.

Article 3

In order to monitor navigation in the region, the Parties agree to organize the exchange of data on automatic identification systems (AIS), as defined in regulation 19 of Chapter V of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended by the Protocol of 1978 and the Protocol of 1988.

Information security shall be ensured in accordance with the legislation of each Party.

Article 4

Each Party should provide the other Party with data from coastal stations of the AIS of that Party in the region. AIS data exchange is made free of charge.

The Parties pledge not to transfer to third parties AIS data received from the other Party under this Agreement.

Article 5

To organize the exchange of AIS data, the competent bodies of the Parties establish a joint working group of experts.

The main task of the working group of experts is to prepare organizational and technical and operational proposals related to the exchange of AIS data and their transfer to the competent authorities of the Parties.

Article 6

Nothing in this Agreement affects the delimitation of maritime areas between the Russian Federation and Ukraine or prejudices their positions in this respect.

Article 7

Disputes between the Parties concerning the interpretation or application of the provisions of this Agreement should be resolved through consultations or negotiations between them.

Article 8

By mutual consent of the Parties amendments may be made to the present Agreement in the form of separate protocols.

Article 9

This Agreement shall enter into force 30 days after the date of receipt of the last written notification on the completion by the Parties of the internal procedures necessary for its entry into force.

This Agreement shall remain in force until the expiration of 6 months from the date of receipt through diplomatic channels of a written notification of one of the Parties of its intention to terminate this Agreement.

Done in Moscow on March 20, 2012 in two copies, each in the Russian and Ukrainian languages, both texts being equally authentic.