

Development of common security management, maritime safety  
and ship pollution prevention for the Black Sea and Caspian Sea  
(SASEPOL)

## National Transposition Plan for MARPOL, SOLAS/ISPS, and PSC MoU's - Ukraine

October 2010  
European Commission



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MoU's - Ukraine

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EuropeAid Co-operation office, European Commission, Centralised Operations for Europe,  
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# 1. Terms of Reference

The following text has been reproduced from the project TORs for Activity 1.2.

**Activity 1.2** *"If needed, prepare and implement a plan for transposition of above-mentioned international conventions and regulations into national legislation. ["above mentioned" is the result/outcome of activity 1.1]*

*The above review shall be the basis for drafting a plan for those countries which still need transposition of international conventions into national legislation and port regulations. The plan should also address whether real compliance takes place in ports and to which extent guidelines have been prepared for staff in maritime- and ports administrations. The plan shall be drafted in close cooperation with the respective Maritime Administrations. The level of assistance with the implementation of the prepared plans will vary from country to country."*

Accordingly, the Consultant thought necessary to identify the deliverables and the methodology for the implementation of these tasks and to define the interface of this activity to other activities and tasks implemented under this project.

## 2. Methodology

The terms of reference require the following for activity 1.2:

1. Review of the outcome of activity 1.1;
2. Identification of international conventions which need transposition into national legislation;
3. If needed, drafting of a Transposition Plan.

The overall methodology for activity 1.2 has therefore been structured along the TORs and has been split into two main sections:

1. **Section 1 - Assessment:** It consists in the review and analysis of the report delivered under activity 1.1, with special emphasis on any latest developments that might have taken place since report 1.1 was delivered. It is then followed by an analysis of the number, if any, of international conventions that still require transposition into national legislation. The assessment is to be made against the IMO Code for the Implementation of Mandatory IMO Instruments, 2007. The table below summarizes the requirements and recommendations given in IMO resolution A.996(25) - Code for the Implementation of Mandatory IMO Instruments.

Table 2.1: Overview IMO Resolution 996(25)

		Description
<b>Common areas</b>		
Objective	Here each administration should view the Code for the implementation of mandatory IMO instruments and implement these instruments according to paragraph 6 to which they are Contracting Government and Parties, and also have a role in accordance with it's own circumstances and geographical position.	
Strategy	Here are issues to be covered to get the objective of the Code. According to them each member state should implement and enforce mandatory instruments in accordance to international recommendations; review and verify the effectiveness of the State's international obligations; achieve, maintain and improve organizational performance and capability.	
General	Here Administrations are responsible for promulgating laws and regulations and for taking all necessary steps to provide the whole range of effect of these instruments to ensure that a ship is fit for the service from the points of view of safety of life at the sea and protection of the marine environment by providing experienced staff and refusing to transfer damage and hazard from one area to another or transform one pollution to another.	
Scope		
Initial actions	Here the member state should incorporate new mandatory IMO instruments into national legislation and also ensure effective enforcement.	
Communication of information	Here the State should communicate its strategy including information on its national legislation to all concerned.	
Records	Here records should be established and maintained in order to provide evidence of conformity to requirements.	
Improvement	Here States should improve the adequacy of the measures which are taken to give effect to those conventions they have accepted, and enforce national legislation. The State should determine acts to eliminate the causes of potential non-conformities in order to prevent their occurrence.	
<b>Flag States</b>		
Implementation	Here flag States should make every effort to effectively discharge their responsibilities and obligations, establish resources and processes capable of administering a safety and environmental protection programme and ensure that ships entitled to fly their flag are sufficiently and efficiently manned.	
Delegation of authority	Here flag states authorising recognized organizations to act on their behalf in conducting the surveys inspections, the issue of certificates and documents, the marking of ships and	



		Description
		other statutory work.
Enforcement	Here flag states should take all necessary measures to secure observance of international rules and standards by ships entitled to fly their flag and by entities and persons under their jurisdiction so as to ensure compliance with their international obligations.	
Flag state surveyors	Here flag States should define and document the responsibilities, authority and interrelation of all personnel, also the personnel has to be highly qualified and trained.	
Flag State Investigations	Here the flag States should be prepared to send qualified and experienced investigators competent in matters relating to the casualty. Ship casualties should be investigated and reported in accordance with the relevant IMO conventions and the guidelines developed by IMO.	
Evaluation and Review	Here the flag States should periodically evaluate their performance according to the implementation of administrative processes.	
<b>Coastal States</b>		
Implementation	Here coastal States should perform their obligations and rights under mandatory IMO instruments.	
Enforcement	Here coastal States should take all necessary measures to ensure their observance of international rules while fulfilling their obligations.	
Evaluation and review	Here coastal States should periodically evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.	
<b>Port States</b>		
Implementation	Here port States should fulfil their responsibilities with respect to maritime safety and environmental protection including pollution prevention.	
Enforcement	Here to fulfil the whole range of obligations port State should provide taking all measures of control by authorised and qualified officers in accordance to relevant procedures adopted by the Organization.	
Evaluation and Review	Here port States should on a periodic basis evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.	

2. **Section 2 - Transposition Plan.** This section will then focus on gaps identified in transposition (if any) and discuss the need for a transposition plan. Should there be a need for a transposition plan, then the cornerstones of such a transposition plan and respective institutional competencies will be proposed together with an indicative timeline.

## 3. Assessment

### 3.1 Introduction

A mission to Odessa and Kiev, Ukraine was undertaken within the Framework of the SASEPOL Project. The scope of the mission was to review the level of transposition of IMO Mandatory Instruments into national legislation and assess compliance of Ukrainian legislation in relation to the said instruments. The information has been obtained through expert visits to Ukraine, meetings and interviews with relevant staff in the various governmental and non governmental entities involved in the implementation of IMO mandatory instruments (Appendix 8.5).

### 3.2 Common Areas

#### 3.2.1 Objective

The primary entity for implementing applicable instruments in meeting the obligations of Ukraine vis-à-vis the international mandatory instruments is the State Administration of Maritime and Inland Water Transport (Ukrmorrichflot) under the auspices of the Ministry of Transport and Communications.

Ukrmorrichflot is situated in Kiev and it supervises the activities of a number of governmental inspectorates and agencies with responsibilities relevant to the IMO mandatory instruments. These entities are:

- The Inspectorate of Training and Certification;
- The Shipping Safety Inspectorate;
- The State Enterprise "Marine Rescue Service";
- The State Enterprise "Maritime Security Agency";
- The State Enterprise "Maritime Communication".

A diagram showing the structure of the Ministry of Transport and Communications and the maritime related underlying entities is given in Appendix 8.5.

The areas of competence for the aforesaid entities are directly related with the provisions of the IMO mandatory instruments as it will be demonstrated in more detail in due course of the current report.

The experts have established that some other entities (both governmental and private) are also involved into the implementation of IMO mandatory instruments. These entities are:

- The Ministry of Emergency Planning which is responsible for developing the National Marine Oil Spill Contingency Plan;
- The Ministry of Foreign Affairs which is the leading ministry for the accession of Ukraine into IMO mandatory instruments;
- The Ministry of Environment;
- Port Authorities; and
- Private Companies (oil pollution response).

#### 3.2.2 Strategy

With reference to the scope of the project and in accordance with its Statute, Ukrmorrichflot is responsible for:



- the implementation and enforcement of relevant international mandatory instruments through laws of the Republic of Ukraine, decrees and orders of the President of the Republic of Ukraine, and administrative regulations; and
- the adherence to international recommendations, as appropriate.

### 3.2.3 General

Ukrmorrichflot is the responsible entity for promulgating laws and regulations and for taking all other steps which may be necessary to give to these instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea and protection of the marine environment, a ship is fit for the service for which it is intended and is manned with competent maritime personnel. Ukrmorrichflot has been assigned to:

- examine and verify level of compliance of national legislation with Mandatory Instruments;
- draft new or amended legislation in order to transpose new or amended international mandatory instruments into national legislation;
- review all administrative regulations to verify legal compliance with national legislation;
- attend IMO meetings.

### 3.2.4 Scope

The mandatory IMO instruments addressed in the Resolution A.996 (25) are:

- the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
- the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);
- the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
- the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
- the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL PROT 1997);
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
- the International Convention on Load Lines, 1966 (LL 66);
- the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
- the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
- the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972).

A vast number of other instruments have been made mandatory under the above mentioned conventions (see Appendix 3).

#### 3.1.1.1.1 Initial Actions

Ukraine became an IMO member in 1994 and since then it has acceded to the majority of the IMO mandatory instruments as stipulated in Appendix 8.5.

The Merchant Shipping Code of Ukraine is basic act of maritime legislation in Ukraine. It contains, *inter alia*, the following clauses:

- Clause 3: Regulation of Merchant Shipping and Working Conditions on Sea Transport (Merchant Marine);
- Clause 7: International Treaties to which Ukraine is a Party on Merchant Shipping Issues;
- Clause 10: State Supervision over Merchant Shipping;
- Clause 22: Technical surveys over Sea-Going Vessels.

**Finding No 1: Based on the interviews and the lack of evidences (expert was not provided with specific national instrument for the transposition of IMO mandatory instruments into national legislation) has been concluded that a legal basis for the enforcement of national laws and regulations is not entirely in place.**

### **3.2.5 Communication of Information**

Even though Ukrmorriflot is the primary entity, it has been established during interviews that other governmental entities are also involved in the implementation of IMO mandatory instruments. Competences however, have not been clearly established within the national legislation thus creating uncertainty to the parties involved.

**Finding No 2: Ukrmorriflot has not enacted nor communicated its strategy, including information on its national legislation to all parties concerned.**

### **3.2.6 Records**

**Finding No 3: During the expert's mission, Ukrmorriflot did not demonstrate that all required information had been submitted to IMO.**

### **3.2.7 Improvement**

Experts have not identified any procedure within Ukrmorriflot in order to improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted.

## **3.3 Flag States**

### **3.3.1 Implementation**

Ukraine is a Party to MARPOL Annexes I/II, III, IV and V. It has also recently joined MARPOL Annex VI on 29 October 2009, but there is as yet no clear plan or strategy in place for its implementation.

The implementation of SOLAS, LL, Tonnage and COLREGs falls also within the competence of Ukrmorriflot.

**Finding No 4: During the expert's mission, Ukrmorriflot did not demonstrate that all new or amended mandatory instruments related to Flag State obligations are transposed into national legislation, e.g Tonnage 69 latest revision on national legislation in 1993, COLREGs 72 latest revision on national legislation in 1992, SOLAS 74 latest revision on national legislation on 1992.**

Ukraine is one of the Parties to STCW 78, as amended, and it has been confirmed by the IMO Maritime Safety Committee that full and complete effect is given to the Convention's requirements. Ukraine has in fact been on the IMO STCW "White List" since 2001.

The primary entity for STCW is the Inspectorate for Training and Certification of Seafarers (under the management of the Ministry of Transport and Communications of Ukraine) which was founded in 2001 by a resolution of the Government of Ukraine. Its tasks contain inter alia:

- Development of the national programme of seafarers' training and certification system development;
- Participation in the relevant IMO sessions (STW);
- Drafting of relevant legislation.



### **3.3.2 Delegation of Authority**

Ukraine has recognized the following recognised organisations to act on its behalf in conducting the surveys, inspections, the issue of certificates and documents, the marking of ships and other statutory work required under the IMO conventions:

- Russian Maritime Register of Shipping (RS);
- American Bureau of Shipping (ABS);
- Bureau Veritas (BV);
- Det Norske Veritas (DNV);
- Germanischer Lloyd (GL);and
- Hellenic Register of Shipping (HRS)

In addition a local classification society, namely Shipping Register of Ukraine, which was established by a Resolution of the Cabinet of Ministers (No.814 of 8 June 1998), has also been recognized by the State Administration to act on its behalf.

**Finding No 5: There is no evidence that the national legislation includes relevant regulatory measures in respect to the authorization of recognised organizations to act on behalf of Ukraine in conducting the surveys, inspections, the issue of certificates and documents, the marking of ships and other statutory work required under the IMO conventions. Expert was not provided with any class agreement.**

### **3.3.3 Enforcement**

Ships flying the Ukrainian flag are bound to comply with international instruments through the application of national legislation. It must however be noted that Ukraine is in fact on the black list, classified as 'medium risk', by the Paris Memorandum of Understanding. Between 2006 and 2008, 575 Ukrainian ships were inspected and 55 of these were detained. This indicates that there are in fact problems of compliance by Ukrainian ships in relation to the requirements of the IMO mandatory instruments.

**Finding No 6: The Merchant Shipping Code of Ukraine does not establish necessary legislation on prohibiting ships from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards or any provisions for periodic inspection of ships entitled.**

### **3.3.4 Flag State Surveyors**

Flag State inspections (primarily check on ship's certificates) are carried out by officers of the Administration.

### **3.3.5 Flag State Investigations**

Applicable legislation is in place (Order of the Ministry of Transport and Communications No.516 of 29 May 2006) and Ukrmorriflot is responsible for performing Investigations following a marine casualty or pollution incident by a ship flying the Ukrainian Flag.

### **3.3.6 Evaluation and Review**

Experts have not identified any procedure within Ukrmorriflot to evaluate their performance with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party.



## **3.4 Coastal State**

### **3.4.1 Implementation**

The Ministry of Emergency Planning is the primary entity responsible for developing the National Marine Oil Spill Contingency Plan. As regards to oil pollution response, port authorities and a private company, namely "MARS" are also involved.

The State Enterprise "Delta Pilot," under the auspices of Ukrmorrchflot, is the entity responsible for ensuring Safety of navigation within territorial waters, including navigational aids and systems as well as Pilot services.

The State Enterprise "Marine Rescue Service," under the auspices of Ukrmorrchflot, is the primary entity responsible for Search and rescue within Ukrainian waters.

### **3.4.2 Enforcement**

MARPOL entry to port requirements is verified by the Inspectorate for the Black Sea Environment which falls under the Ministry of Environment. The Inspectorate has the authority and power to prohibit entry into port for a ship which is found non-compliant with the MARPOL requirements.

**Finding No 7: The experts have identified that Ukraine has not taken all necessary measures to ensure observance of international rules when fulfilling its Coastal State obligations. For example there could be delayed reaction as a result of the non defined competencies between the Ministry of Environment and the Ministry of Transport.**

### **3.4.3 Evaluation and Review**

Experts have not identified any procedure within Ukrmorrchflot for periodical evaluation of its performance in respect of exercising its rights and meeting its obligations under mandatory IMO instruments.

## **3.5 Port State**

### **3.5.1 Implementation**

Ukraine is a member of the Black Sea Memorandum of Understanding on Port State Control in the Black Sea Region. Officers of the Shipping Safety Inspectorate in co operation with the respective Harbour Masters perform the required inspections on board foreign ships calling Ukrainian Ports.

Experts have also verified that Ukraine has the appropriate port reception facilities for waste from ships.

### **3.5.2 Enforcement**

Port State Control is performed within the framework of the Black Sea MoU. PSC Inspectors (under the auspices of Ukrmorrchflot) conduct inspections on foreign ships to determine compliance with the relevant IMO mandatory instruments.

**Finding No 8: The Merchant Shipping Code does not establish necessary legislation for verifying compliance with mandatory instruments now in force, e.g. revision of SOLAS, STCW, MARPOL ANNEX VI, etc.**

### **3.5.3 Evaluation and Review**

Experts have not identified any procedure within Ukrmorriflot for periodical evaluation of its performance in respect of exercising its rights and meeting its obligations under mandatory IMO instruments.

## 4. Transposition Plan

The experts concluded from the information available to them that appropriate national legislation is in place; however there is an uncertainty in respect to the status of the existing Ukrainian legislation vis-à-vis the latest or current edition of the IMO mandatory instruments, which of course generates lack of appropriate compliance both for the Ukrmorrchflot (in respect to the appropriate enforcement and implementation) and the ships flying the Ukrainian Flag. Furthermore, as the situation stands today, a potential audit within the framework of VIMSAS will reveal numerous non-conformities related to implementation and enforcement of the IMO mandatory instruments.

It is therefore highly recommended to take all necessary actions to align national legislation with the latest edition of the IMO mandatory instruments. In order to timely resolve the problem the following procedure is suggested.

### **4.1 Procedure for Incorporation of Mandatory IMO Instruments into National Legislation**

#### **1. Step 1: Human Resources (Immediate Action)**

An appropriate number of qualified personnel need to be recruited in the Ukrmorrchflot in order to assist on the timely transposition of the IMO mandatory instruments into the national legislation (drafting, translation, continuous monitoring of instruments status).

#### **2. Step 2: Identification of IMO Mandatory Instruments in their latest consolidated edition (3 to 5 weeks).**

Ukrmorrchflot should identify the latest edition for each and every one of the International Mandatory Instruments as these are stipulated in Resolution A. 996(25). This can be achieved through various instruments i.e. EMSA Rule Check or via the IMO itself- and assess the level of compliance of the national legislation with them.

#### **3. Step 3: Translating the IMO Mandatory Instruments in their latest consolidated edition into the Ukrainian Language (6 to 8 months)**

It is of utmost importance that an accurate translation should take place before the actual drafting of legislation enacts. If the translation from the English version is problematic, all mandatory instruments are also available in Russian, which is one of the official IMO languages. It is suggested that once the translation is completed, a verification for its accuracy (in relation to maritime terminology) to be performed by technical experts of the Ukrmorrchflot.

It should also be considered having the IMO mandatory instruments as a reference to the legislation used in its original form (i.e. in one of the Official IMO languages). This option obviously will speed up the whole process since no translation will be required.

#### **4. Step 4: Drafting of necessary legislation transposing the mandatory instruments into national law (3 to 6 months).**

The drafting should include all IMO mandatory international instruments as these are stipulated in Resolution A. 996(25) translated into the national language (or as a reference document in the original



form). Furthermore and in order for Ukraine to effectively perform its tasks and to ensure compliance with VIMSAS the following provisions should also be drafted and included into the national legislation:

- investigative and penal processes (for Flag, Port and Coastal obligations);
- policies which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions;
- administrative instructions to implement applicable international rules and regulations as well as develop and disseminate any interpretative national regulations that may be needed;
- appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions or specify whether the Administration's standards go beyond convention requirements in any respect.

#### **5. Step 5: Ratification of the necessary legislation (3 months)**

Since the whole procedure is of utmost urgency, it is proposed considering ratification of the required "maritime" legislation in a method which apparently seems to be the fastest way to enact legislation, which is either by Order of the Ministry of Transport or Decree of the Cabinet of Ministers.

#### **6. Step 6: Communication of national legislation (immediately after ratification)**

Once the national legislation is in place Ukrmorriflot should communicate national legislation to all parties concerned, including governmental entities and private companies involved in the implementation of IMO mandatory instruments as well as the recognized organizations duly authorized to act on behalf of the Republic of Ukraine and of course IMO.

#### **7. Step 7: Further Actions**

Ukrmorriflot should assign responsibility to duly qualified personnel to **continuously** monitor developments within IMO, identify when a new or an amended instrument has been accepted by the Organisation and timely transpose it into national legislation by repeating steps 3 to 6.

## 5. Appendices

### 5.1 Representatives from Various Entities Interviewed by the International Expert

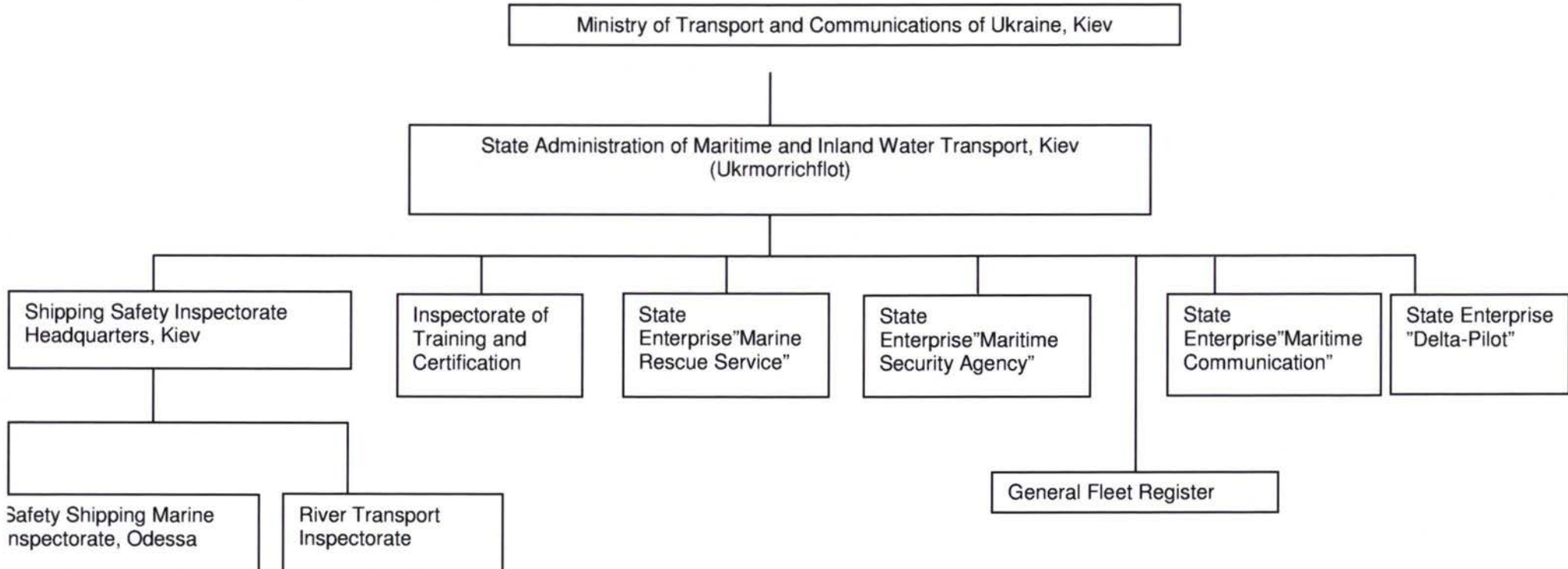
#### Odessa:

- Capt. Vladimir REBETEY, Head of the Safety Shipping Marine Inspectorate of Ukraine;
- Capt. Yuriy VOROBYOV, Deputy Harbour Master, Odessa Commercial Sea Port;
- Capt. Valeriy SHENDRYK, Recruitment Manager, V. Ships (Ukraine);
- Mr. Sergey RUDENKO, Vice Rector, Odessa National Maritime University;
- Prof. Oleksandr BALOBANOV, Head of the Marine Law Department, Odessa National Maritime University;
- Prof. Andriy VOLOSHYN, Head of the Safety and Security at Sea Department, Odessa National Maritime University

#### Kiev:

- Mr. Alexander Anatolievich SCHIPTSOV, Deputy Head of Ukrmorrflot, General State Inspector of Safety of Shipping;
- Mr. Vjacheslav Eduardovich VOLOSHYN, Head of State Enterprise "Agency of Maritime Security";
- Mr. Petro Viktorovich PAVLOV, Deputy Head of Department of Safety of Shipping of Ukrmorrflot;
- Valeriy Mykholaevich SHEPEL, Head of the Centre of Navigation and Hydrographic Information of State Enterprise "State Hydrographic";
- Alexander Aleksandrovich SCHIPTSOV, First Deputy Head of General Fleet Register;
- Alexander Ivanovich BORISKIN, First Deputy Head of State Enterprise "Agency of Maritime Security";
- Igor Josipovich MAHEK, Deputy General Director of State Enterprise "Classification Society Register of Shipping of Ukraine";
- Sergiy Leonidovich KHLEBNIKOV, Deputy Head of State Enterprise "Delta Pilot";
- Vjacheslav Mykhailovich JASINSKIY, Head of Department of Management System of Safety and Ship Security State Enterprise "Classification Society Register of Shipping of Ukraine";
- Alexander Anatolievich ZAGORODKO, Head of Department on International Cooperation State Enterprise "Agency of Maritime Safety";
- Alina Vitalievna PRILIPKO, Assistant to the Deputy Head of Ukrmorrflot, General State Inspector of Safety of Shipping.

## 5.2 Ministry Of Transport and Communications Diagram





### 5.3 Instruments Made Mandatory under IMO Conventions

SOLAS 74	<i>Res. MSC.133(76), as amended</i>	<i>reg. II-1/3-6.2.1</i>
	<i>FSS Code</i>	<i>reg. II-2/3.22</i>
	<i>FTP Code</i>	<i>reg. II-2/3.23</i>
	<i>LSA Code</i>	<i>reg. III/3.10</i>
	<i>CSS Code, sub-chapter 1.9</i>	<i>reg. VI/2.1</i>
	<i>Grain Code</i>	<i>reg. VI/8.1</i>
	<i>IMDG Code</i>	<i>reg. VII/1.1</i>
	<i>IBC Code</i>	<i>reg. VII/8.1</i>
	<i>IGC Code</i>	<i>reg. VII/11.1</i>
	<i>INF Code</i>	<i>reg. VII/14.1</i>
	<i>ISM Code</i>	<i>reg. IX/1.1</i>
	<i>1994 HSC Code</i>	<i>reg. X/1.1</i>
	<i>2000 HSC Code</i>	<i>reg. X/1.2</i>
	<i>Res. A.739(18)</i>	<i>reg. XI-1/1</i>
	<i>Res. A.789(19)</i>	<i>reg. XI-1/1</i>
	<i>Res. A.744(18), as amended</i>	<i>reg. XI-1/2</i>
	<i>Res. 4 of the 1997 SOLAS Conf.</i>	<i>reg. XII/1.5 (reg. XII/1.7 as of 1.7.06)</i>
	<i>Res. MSC.169(79)</i>	<i>reg. XII/7.2</i>
	<i>Res. MSC.168(79)</i>	<i>reg. XII/14</i>
MARPOL 73/78	<i>Res. MEPC.94(46), as amended</i>	<i>Annex I, reg. 20.6</i>
	<i>IBC Code</i>	<i>Annex II, reg. 1.4</i>
	<i>BCH Code</i>	<i>Annex II, reg. 1.4</i>
	<i>NOx Technical Code</i>	<i>Annex VI, reg. 2(5)</i>
STCW 78	<i>STCW Code, Part A</i>	<i>reg. I/1.2.3</i>

### 5.4 Review of the Implementation of IMO Mandatory Conventions in Ukraine

Name of Instrument	Transposed into national Legislation?	Comments
IMO Convention 48		
SOLAS 74 (1 November 1974) <sup>1</sup>	Decree of the Cabinet of Ministers No.350 of 26 June 1992	Concerns amendments 1981, 1989 and 1990
	Resolution of the Cabinet of Ministers No.722 of 12 May	Concerns chapter XI-2 on Maritime Security and the ISPS Code Part A
		Concerns chapter IX and the ISM Code

<sup>1</sup> The dates given here are from the IMO publication: **STATUS OF MULTILATERAL CONVENTIONS AND INSTRUMENTS IN RESPECT OF WHICH THE INTERNATIONAL MARITIME ORGANIZATION OR ITS SECRETARY-GENERAL PERFORMS DEPOSITARY OR OTHER FUNCTIONS** as at 28 February 2010

Name of Instrument	Transposed into national Legislation?	Comments
	2007	
	Decision of Board of the Ministry of Transport and Communications No.20 of 6 April 2004	Concerns accident investigation
	Order of the Ministry of Transport and Communications No.904 of 20 November 2003	
	Order of the Ministry of Transport and Communications No.516 of 29 May 2006	
SOLAS Protocol 78 (16 July 1992)		Abrogated by the SOLAS Protocol 88
SOLAS Protocol 88 (7 October 2005)	Decree of the Cabinet of Ministers No.350 of 26 June 1992	
Load Lines (LL) 66 (25 October 1993)	Decreets of the Cabinet of Ministers No.772 and 773 of 21 September 1993?	The title of these instruments only mentions TONNAGE
Tonnage 69 (25 October 1993)	Decreets of the Cabinet of Ministers No.772 and 773 of 21 September 1993	
COLREGs 72 (5 March 1993)	Decree of the Supreme Soviet of Ukraine No.2785-XII of 17 November 1992	
CSC 72 (6 September 1976)		
STCW 78 (7 January 1997)	Law of Ukraine No.464/96-VR	
STCW-F 95 (4 September 2002)		
SAR 79 (5 March 1993)	Decree of the Supreme Soviet of Ukraine	
INMARSAT 76 (29 March 1979)		
INMARSAT OA 76		
FAL 65 (25 October 1993)		
MARPOL 73/78 (Incl. Annexes I – V) (25 October 1993)	Order of the Cabinet of Minister No.431 of 2002	
	Order of the Ministry of Transport and Communications No.205 of 10 April 2001	Concerns Annex II
MARPOL PROT 97 (Annex VI) (29 October 2009)		

Name of Instrument	Transposed into national Legislation?	Comments
London Convention (LC) 72 (5 February 1976)	Water Code of Ukraine No.213/95 VR	
INTERVENTION 69 (1993)	Code of Merchant Seafaring No.176/95 VR of 23 May 1995	
CLC Protocol 92 (29 November 2007)		
PAL 74 (11 November 1994)		
PAL Protocol 76 (11 November 1994)		
SUA 88 (21 April 1994)	Resolution of the Cabinet of Ministers No.722 of 12 May 2007	
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