

**FEDERAL LAW NO. 261-FZ OF NOVEMBER 8, 2007 ON THE  
SEAPORTS IN THE RUSSIAN FEDERATION AND ON THE  
INTRODUCTION OF AMENDMENTS INTO THE INDIVIDUAL  
LEGISLATIVE ACTS OF THE RUSSIAN FEDERATION**

**Passed by the State Duma on October 16, 2007**

**Approved by the Federation Council on October 26, 2007**

**Chapter 1. General Provisions**

**Article 1. Object of Regulation of the Present Federal Law**

1. The present Federal Law regulates relations, arising in connection with the commercial seafaring at the seaports of the Russian Federation (hereinafter also referred to as the seaports), establishes the procedure for the construction, opening and closing of the seaports, as well as the procedure for the performance of activity in them, including rendering services, and lays down the base for the state regulation of activity at the seaports.

2. The specifics in the state regulation, as well as the specifics in the performance of economic activity and of the legal position of the subjects of such activity in the port special economic zones are established in the legislation of the Russian Federation on special economic zones.

3. In the present Federal Law, as the seaports are understood the seaports in the meaning in which they are defined in the Merchant Shipping Code of the Russian Federation.

**Article 2. Legal Regulation of Relations, Involved in the Performance of Activity at the Seaports**

1. The legislation on the seaports is based on the Constitution of the Russian Federation, on the generally recognised principles and norms of international law and on the international treaties of the Russian Federation.

2. The performance of activity in the seaports is regulated by the present Federal Law, by the Commercial Seafaring Code of the Russian Federation and by the other federal laws and the other normative legal acts of the Russian Federation.

3. If an international treaty of the Russian Federation has established any rules, different from those stipulated in the present Federal Law, the rules of the international treaty shall be applied.

**Article 3. A Seaport's Customs**

1. The customs of a seaport are the rules for the behaviour, which have formed and are widely applied in rendering services at the seaport but are not stipulated in the legislation of the Russian Federation.

2. The Chamber of Industry and Commerce of the Russian Federation shall testify to the customs of a seaport.

3. A seaport's customs shall not contradict the Constitution of the Russian Federation, the generally recognised principles and norms of international law, the international treaties of the Russian Federation, the Commercial Seafaring Code of the Russian Federation, the present Federal Law and the other federal laws and the other normative legal acts of the Russian Federation.

#### **Article 4. Principal Concepts, Used in the Present Federal Law**

For the purposes of the present Federal Law, the following principal concepts are applied:

1) the **objects of the seaport infrastructure** - the port hydrotechnical installations, inner roads, anchorages, docks, tugboats, icebreakers and other ships of the port fleet, the navigation equipment appliances and the other objects for the navigation and hydrographic provisions for the shipping lanes, for the controlling system for the ships' movement and for the information systems, for the reloading equipment, the railway and automobile access roads, communication lines, appliances for the heat, gas, water and electricity supply, and the other appliances and equipment, engineering communications, warehouses and other buildings, structures and installations, situated on the seaport's territory and (or) in its water area, and intended for providing security of the seafaring, for rendering services at the seaport and for ensuring the state control and supervision at the seaport;

2) **inner road** - the water space, specially demarcated in the seaport's water area and intended for servicing ships and for handling cargoes;

3) **outer road** - the water space, specially demarcated at the approaches to the seaport and intended for mooring and servicing ships;

4) **port hydrotechnical installations** - the engineering -technical installations (the coast-protection installations, sea defence walls, dams, moles, piers, berths, as well as the approach channels and underwater installations, created as a result of carrying out the dredging works), situated on the seaport's territory and (or) in its the water area, interacting with the water medium and intended to provide for the security of the seafaring and for the anchorage of ships;

5) **berth** - the port hydrotechnical installation, intended for the anchorage and servicing of ships, for servicing passengers, including their boarding and unboarding the ships, and for handling cargoes;

6) **owners of the objects of the seaport infrastructure** - the legal entities or individual businessmen, registered in conformity with the legislation of the Russian Federation and running the objects of the seaport infrastructure on their own behalf, regardless of whether they are the owners of the given objects or just use them on a different legal ground;

7) **sea terminal** - an aggregate of objects of the seaport infrastructure, technologically interlinked and intended and (or) used for the performance of operations with cargoes, including for their reloading, for servicing ships and the other transportation facilities, and (or) for servicing passengers;

8) **sea terminal operator** - the transport organisation, controlling the seaport terminal, handling cargoes, including their reloading, and servicing ships and the other transportation facilities, and (or) passengers;

9) **reloading of cargoes** - the complex kind of services and (or) of works, involved in reloading cargoes and (or) baggage from one kind of transport onto another in shipments, performed in the direct and the indirect international communication, and in the direct and the indirect mixed communication, including shifting cargoes within the seaport's boundaries and their technological accumulation, or in reloading cargoes without their technological accumulation from one kind of transport onto a different kind of transport;

10) **technological accumulation of cargoes** - the formation of lots of cargoes while waiting for the presentation of transportation facilities, which is carried out at the reloading of cargoes;

11) **users of the services, rendered at the seaports** (hereinafter referred to as the users) - the cargo senders (consignees), cargo receivers (consignors), shipowners, shippers and passengers, or the other natural or legal persons;

12) **services, rendered at the seaport** (hereinafter referred to as the seaport services) - the services, usually rendered to the users at a seaport and at the approaches to it in conformity with the international treaties of the Russian Federation and with the legislation of the Russian Federation;

13) **seaport's territory** - the land plot or the land plots, not submerged in the surface waters, situated within the seaport boundaries, including an artificially created land plot or artificially created land plots;

14) **artificially created land plot** - the land plot, created at a seaport by way of the shore deposition or of the earth filling, or with the use of other technologies;

15) **seaport's water area** - the water space within the seaport boundaries;

16) **approaches to the seaport** - the outer roads and the sections of shipping lanes, situated within the zone with the demarcated boundaries, adjacent to the seaport's water area, which does not extend beyond the boundaries of the territorial sea of the Russian Federation and within which ships shall move with special precautions so that to ensure the security of the seafaring.

## **Article 5. Seaport Boundaries**

1. The boundaries of a seaport are the boundaries of its territory and of its water area.

2. The boundaries of a seaport shall be established and changed by the Government of the Russian Federation.

3. Information on the boundaries of the seaport's water area shall be published in the seaport's obligatory decisions and in the Izveshcheniya Moreplavatelyam (the Seafarers' Notices).

## **Chapter 2. Construction, Extension, Opening and Closing of Seaports**

### **Article 6. Construction and Extension of a Seaport**

1. The decision on the construction or on an extension of a seaport shall be adopted by the Government of the Russian Federation on the basis of the territorial planning scheme of the Russian Federation in the area of development of the federal transport, the means of communication and information, the preparation and approval of which are carried out in conformity with the legislation on the town development activity. A seaport is awarded the name as a geographical object in conformity with Federal Law No. 152-FZ of December 18, 1997 on the Names of Geographical Objects.

2. The decision on the construction or extension of a seaport may envisage creation of artificial land plots. In this case, the land plot in the composition of the water stock lands shall be handed over into the lands of industry, energy, transport, communications, radio broadcasting, television and informatics, into the lands for ensuring the space activity, the lands for defence and security, and the lands for another special purpose, or into still another category of lands in conformity with the legislation of the Russian Federation.

3. The artificially created land plots, as well as the created and (or) reconstructed objects of the seaport infrastructure, may be the objects of investment activity, carried out in the form of capital investments.

### **Article 7. Opening a Seaport and Closing a Seaport for Rendering Services**

1. After completing the construction, fitting out and material-technical equipment of a seaport, it shall be opened for rendering services on the basis of the decision of the federal executive power body, discharging the functions involved in the elaboration of the state policy and in the normative-legal regulation in the area of transport (hereinafter referred to as the federal executive power body in the area of transport), with the introduction of the corresponding information into the Register of the Seaports of the Russian Federation.

2. A seaport shall be closed for rendering services, with the exception of the cases, established in the third part of the present Article, on the ground of the decision of the Government of the Russian Federation not earlier than in one year as from the day of adopting such decision. The port authorities are obliged to inform in writing the sea terminals' operators and

the other owners of the objects of the seaport infrastructure about the adoption of the decision on closing a seaport for rendering services, not later than within one month as from the day of adopting such decision.

3. If phenomena of an elemental character occur or ship wreckages, accidents and other events happen, when rendering services at a seaport or at a sea terminal is impossible because of a threat to the human life or health or because of the damage and (or) destruction of the property, including cargoes, the port authorities may adopt the decision on the temporary closure of the seaport or of the sea terminal for rendering services. The port authorities shall immediately inform about such decision the federal executive power body in the area of transport, which shall fix the time term for the operation of this decision.

4. Information on the opening or closing of a seaport or of a sea terminal for rendering services shall be published in the Seafarers' Notices.

### **Chapter 3. State Regulation of Activity at a Seaport**

#### **Article 8. Principles for the State Regulation of Activity at a Seaport**

1. The state regulation of activity at a seaport shall be exerted for the purposes of providing for:

- 1) the security of the seafaring, of the citizens' life and health;
- 2) the defence and security of the state;
- 3) the order at the seaport, the exposure, prevention and suppression of acts of an illegal interference at a seaport;
- 4) the safe operation of the objects of the seaport infrastructure;
- 5) a complex development of the seaport;
- 6) an effective use of the objects of the seaport infrastructure, which are in the state ownership;
- 7) equal terms for the performance of activity at the seaport;
- 8) an equal access to services at the seaport;
- 9) preventing the environmental pollution and observing demands, made on the use and protection of the water objects;
- 10) the competitiveness of the seaport;
- 11) the state control over the import and export of the catches of water biological resources and over the products of their processing.

2. The state regulation of activity at a seaport shall be effected by way of:

- 1) publication of normative legal acts on the issues, involved in the performance and development of activity at the seaport, in the operation of the objects of the seaport infrastructure, in the exertion of the state control and supervision over the observation of the established norms and rules;
- 2) licensing the individual kinds of activity, performed at the seaport;
- 3) technical regulation at the seaport;
- 4) establishment of the rates for the port fees and tariffs for services, rendered at the seaport by the subjects of natural monopolies;

5) establishment of the order for giving out into lease the seaport's property, which is in the state ownership;

6) opening and closing the seaport for rendering services;

7) imposition of duties for rendering the individual kinds of services or putting under a prohibition the rendering of the individual kinds of services by the sea terminals' operators and by the owners of the other objects of the seaport infrastructure in the cases and in the order, stipulated in the legislation of the Russian Federation;

8) exertion of the state control and supervision over the activity of natural and legal persons at the seaport as concerns the security of the seafaring and of the port hydrotechnical installations;

9) creation of conditions for an equal access of the sea terminals' operators and of the shippers to the objects of the seaport infrastructure;

10) supply of the navigation-hydrographical provisions at the approaches to the seaport and at the seaport;

11) establishment of the procedure for the collection, accumulation and analysis of information on the activity at the seaport;

12) organisation of the mobilisational training, of the mobilisation and of holding civil defence events at the seaport;

13) carrying out the state expert examination of the design documentation for the construction and reconstruction of the objects of the seaport infrastructure;

14) exertion of control and supervision over the observation of the international treaties of the Russian Federation, connected with the commercial seafaring, and of the legislation of the Russian Federation on the commercial seafaring;

15) fulfilment of the other functions, stipulated in the legislation of the Russian Federation.

**3.** The content, means and methods of control, and the procedure for its exertion at the points of crossing the State Frontier of the Russian Federation at the seaports shall be established by the Government of the Russian Federation in conformity with the legislation of the Russian Federation. The time of work of the points of crossing the State Frontier of the Russian Federation at the seaports shall be established with an account for the needs of transport organisations and of the other economic subjects, performing an activity at the seaports.

**4.** The state power bodies, authorised to exert the state control and supervision at a seaport, have no right to create obstacles to the performance at the seaport of an activity, not prohibited by the law, or to impose upon the persons, performing such activity, the execution of any other duties, not stipulated in the present Federal Law or in the other federal laws and the other normative legal acts of the Russian Federation.

**5.** The state control and supervision over the security of the port hydrotechnical installations shall be exerted by the federal executive power

body, discharging the functions of control and supervision in the area of transport.

#### **Article 9. Register of the Seaports of the Russian Federation**

1. The seaports are subject to the state registration in the Register of the Seaports of the Russian Federation.

2. The Register of the Seaports of the Russian Federation shall be kept in accordance with the procedure, established by the Government of the Russian Federation.

3. Into the Register of the Seaports of the Russian Federation shall be entered the following information:

- 1) the ordinal registration number of the seaport;
- 2) the name of the seaport;
- 3) the place of the seaport's location;
- 4) the date and the number of the decision on opening the seaport for rendering services;
- 5) the list of the sea terminals' operators, as well as of the services, rendered by the sea terminals' operators;
- 6) the principal technical characteristics of the seaport, including its capacities for reloading cargoes and for servicing ships and (or) passengers;
- 7) the navigation period;
- 8) the name and the address of the seaport's administration;
- 9) the ground for and the date of removal of the seaport from the Register of the Seaports of the Russian Federation.

4. If information, supplied in the third part of the present Article, is amended, the corresponding amendments shall be introduced into the Register of the Seaports of the Russian Federation.

5. The removal of a seaport from the Register of the Seaports of the Russian Federation shall be effected on the ground of the Decision of the Government of the Russian Federation on the closure of the seaport for rendering services not earlier than in one year as from the day of adopting such Decision.

#### **Article 10. Seaport's Administration and the Seaport Captain**

1. The administrative-authority and the other powers at the seaports, established in the present Federal Law and in the other federal laws and in the Decisions of the Government of the Russian Federation, shall be exercised by the seaports' administrations, which are the port authorities.

2. The seaports' administrations are the federal state institutions.

3. The seaport captain is the head of the seaport's administration and is an official person, discharging the functions, established in the federal laws and in the other normative legal acts of the Russian Federation and involved in the registration of ships and in the issue of the corresponding ship documents, in the registration of the right of ownership to the ships

and to those under construction, of the mortgage of the ships or of those under construction, and of the other rights to them, in the issue of the corresponding documents and in ensuring the security of the seafaring and the order at the seaport.

4. The obligatory demands, made on the seaport captain, come down to his possession of a higher professional education in the area of operating seacrafts and of a diploma, confirming the right to occupy the post of the captain of a seacraft with the carrying capacity of three thousand and over gross tonnage units.

5. The federal executive power body in the area of transport may establish additional demands to be made on the seaport captain's knowledge and know-how alongside with those pointed out in the fourth part of the present Article.

6. The specifics in the exercise of the administrative -authority and the other powers at a seaport, which has a sea terminal intended for the complex servicing of ships of the fishing fleet, shall be established by the Government of the Russian Federation.

#### **Article 11. Functions of the Seaport's Administration**

The administration of the seaport shall discharge the following functions:

1) provide for the security of the ships' navigation in the water area of the seaport and at the approaches to it, as well as of the ships' anchorage at the seaport;

2) ensure the order at the seaport;

3) take measures to protect the seafaring and the objects of the seaport infrastructure from acts of an illegal interference within the seaport boundaries;

4) interact with the authorised executive power bodies in the issues of exerting the state port, customs, frontier, immigration, sanitary-quarantine and quarantine-phytosanitary, veterinary, ecological and other kinds of the state control and supervision at the seaports, stipulated in the legislation of the Russian Federation;

5) lead measures, aimed at preventing the pollution of the seaport's water area by production wastes and by consumption refuse, by sewerage and (or) by oil-containing waters, by oil and by the other dangerous substances and (or) by those harmful for the human health and for the environment, as well as measures for the liquidation of the consequences of such pollution;

6) take measures aimed at preventing emergency situations at the seaport and participate in organising works for the liquidation of such situations;

7) organise the salvage of people and ships within the boundaries of the seaport's water area and the liquidation of fires on ships, which are at the seaport;

- 8) issue permits for the performance of dredging works in the seaport's water area;
- 9) carry out measures, aimed at the mobilizational preparations at the seaport;
- 10) exert within the scope of its powers control over the security of the port hydrotechnical installations;
- 11) discharge the other functions in conformity with the legislation of the Russian Federation.

#### **Article 12.** Acts of the Seaport Administration

1. For the purposes of discharging the functions, established in the present Federal Law and in the other federal laws and the other normative legal acts of the Russian Federation, the seaport administration shall issue acts of the non-normative character, which shall be executed by the ships' captains and by the persons, staying and (or) performing an activity at the seaport, to whom the said acts are addressed;

2. The acts, issued by the seaport administration, shall not contradict the Constitution of the Russian Federation, the generally recognised principles and norms of international law, the international treaties of the Russian Federation, the Commercial Seafaring Code of the Russian Federation, the present Federal Law and the other federal laws and the other normative legal acts of the Russian Federation.

#### **Article 13.** General Rules for the Seafaring and for the Anchorage of Ships at the Seaports and at the Approaches to Them

The general rules for the seafaring and for the anchorage of ships at the seaports and at the approaches to them (hereinafter referred to as the general rules) shall be established by the Government of the Russian Federation and shall contain:

- 1) general provisions;
- 2) rules for the seafaring of ships and for controlling the movement of ships in the seaports' water areas and at the approaches to them, including within the zones of operation of the systems for controlling the ships' movement;
- 3) rules for the ships' entry into the seaports and for their exit from the seaports;
- 4) rules for the anchorage of ships at the seaports and at the approaches to them;
- 5) rules for providing for the security and safety of the port hydrotechnical installations;
- 6) rules for ensuring ecological security and for the observation of quarantine at the seaports;
- 7) rules for the performance of manoeuvres, connected with the ships' passage by the sea-dredging ships in the oncoming navigation;
- 8) rules for the icebreaker's pilotage of ships;

- 9) signals, regulating the ships' entry and exit into and from the seaports;
- 10) signals about the tides, the ebbs and the water levels;
- 11) signals about the expected storms and strong winds;
- 12) other information in the area of the commercial seafaring, stipulated in the legislation of the Russian Federation.

#### **Article 14. Obligatory Decisions at a Seaport**

1. Obligatory decisions at a seaport shall be elaborated on the basis of the general rules and shall reflect the specifics of the definite seaport.

2. Obligatory decisions at a seaport shall be approved by the federal executive power body in the area of transport and shall be published in the Russian language. Obligatory decisions at a seaport, open for international communication and for the entry of foreign ships, shall also be published in the English language.

3. If the seaport and the naval base or the base point of military ships and of the coastal guard ships and launches have adjacent water areas, the obligatory decisions at the seaport shall be agreed, respectively, with the federal executive power body, discharging the functions involved in the elaboration and implementation of the state policy and in the normative-legal regulation in the area of defence, and with the federal executive power body in the area of ensuring security.

4. Obligatory decisions at a seaport shall contain:

- 1) description of the seaport;
- 2) rules for the entry and the exit of ships into and from the seaport;
- 3) rules for the ships' navigation in the seaport's water area and at the approaches to it;
- 4) description of the operational zone of the systems for controlling the ships' movement and the rules for the ships' navigation in these zones;
- 5) rules for the ships' anchorage at the seaports and pointing out the places for the anchorage;
- 6) rules, providing for the ecological security and for the observation of quarantine at the seaport;
- 7) rules for the use of special communication facilities on the seaport's territory and in its water area;
- 8) information on the seaport's boundaries;
- 9) information on the boundaries of the approaches to the seaport;
- 10) information on the boundaries of the A1 and the A2 marine areas of the Global Marine Communication System at a Disaster and for Ensuring Security;
- 11) information on the seaport's technical capacities as concerns the reception of ships;
- 12) information on the navigation period;
- 13) information on the areas of the obligatory and the unobligatory pilotage of ships;

14) information on the depth of the seaport's water area and of the approaches to it;

15) information on the processing of dangerous cargoes;

16) information on organising the ships' navigation in ice at the seaport and at the approaches to it;

17) information on the transmission of navigation and hydrometeorological information by the captains of ships, staying at the seaport, if a threat of acts of an illegal interference at the seaport arises;

18) information on the transmission of navigation and hydrometeorological information to the captains of ships, staying at the seaport;

19) other information, stipulated in the normative legal acts of the Russian Federation in the area of the commercial seafaring.

### **Article 15. Ensuring Security at a Seaport**

1. For the purposes of ensuring security for an activity, performed at a seaport, the authorised federal executive power bodies shall formulate demands in the area of the seafaring security and demands for the protection against acts of an illegal interference at a seaport, defined in conformity with the legislation of the Russian Federation and obligatory for execution by the seaport administration, as well as by the sea terminals' operators and by the other owners of the objects of the seaport infrastructure, by the captains of ships and by the other persons, performing activity and (or) staying at the seaport.

2. The sea terminals' operators and the other owners of the objects of the seaport infrastructure, the captains of ships and the other persons, performing activity and (or) staying at the seaport, are obliged:

1) to timely inform the seaport's administration about the arising situations, which create a threat to the seafaring security and (or) to the performance of activity at the seaport, as well as about acts of an illegal interference at the seaport, for it to launch the corresponding measures;

2) to observe the order at the seaport;

3) to provide for measures, aimed at preventing pollution of the seaport's water area and territory by production and consumption refuse, by sewerage and (or) by oil-containing waters, by oil and (or) by other substances, presenting a danger or a threat to the human health and (or) to the environment;

4) to facilitate an objective, complete and all-round investigation of the reasons behind the accidents at the seaport.

3. The seaport's administration is obliged:

1) when receiving information on the arising of situations, creating a threat to the security of the activity, performed at the seaport, on the pollution of the seaport's territory and (or) water area and on the other similar events, to timely inform about these the authorised federal executive

power bodies in accordance with their competence for the adoption of the corresponding measures;

2) to render assistance to the authorised federal executive power bodies in ensuring the seafaring security and in protecting against acts of an illegal interference at the seaport, as well as in conducting an objective, complete and all-round investigation of the reasons behind the accidents happening at the seaport;

4. Guarding the objects of the seaport infrastructure can be carried out by the subdivisions of the departmental guard of the federal executive power body in the area of transport, by the corresponding subdivisions of the federal executive power body, discharging the functions involved in the elaboration and implementation of the state policy and in the normative-legal regulation in the area of internal affairs (hereinafter referred to as the federal executive power body in the area of internal affairs), and (or) by organisations under its jurisdiction, as well as by the legal entities, possessing licences for rendering guarding services, in accordance with the procedure established by the Government of the Russian Federation.

5. Guarding the seaport boundaries for the purposes of the exposure, prevention and suppression of terrorist acts, as well as of the other illegitimate actions, infringing upon the public order and (or) upon the public security at the seaport, shall be effected by the subdivisions of the departmental guard of the federal executive power body in the area of transport, by the corresponding subdivisions of the federal executive power body in the area of internal affairs and (or) by organisations put under its jurisdiction.

6. The list of the seaports, the guarding of whose boundaries is provided for by the subdivisions of the departmental guard of the federal executive power body in the area of transport, and the list of the seaports, the guarding of whose boundaries is provided for by the corresponding subdivisions of the federal executive power body in the area of internal affairs and (or) by organisations, put under its jurisdiction, shall be approved by the Government of the Russian Federation.

#### **Article 16. Principal Demands Made on the Owners of the Objects of the Seaport Infrastructure**

1. Alongside with the fulfilment of the demands, established in the second part of Article 15 of the present Federal Law, the sea terminals' operators and the other owners of the objects of the seaport infrastructure are obliged:

1) to operate the objects of the seaport infrastructure in conformity with the demands for ensuring the industrial security, ecological welfare and fire safety, and with the demands of the technical regulations;

2) to carry out measures, involved in ensuring protection to the objects of the seaport infrastructure from acts of an illegal interference at the seaport;

3) to ensure an equal access to services at the seaports and the openness of information on such services;

4) not to admit the actions (the lack of action), recognised in conformity with the federal laws as monopolistic activity or as unfair competition.

2. The sea terminals' operators and the other owners of the technologically interconnected objects of the seaport infrastructure are obliged to conclude between themselves agreements, whose essential terms are organising and providing for an uninterrupted technological process for rendering the corresponding services at the seaport, establishing the order for the technical servicing and running of the objects of the seaport infrastructure, and the parties' responsibility, including responsibility for the liabilities to the users, stemming from the contracts for rendering the corresponding services at the seaport.

#### **Chapter 4. Principles for Rendering Services at a Seaport. Tariffs on the Seaport Services**

##### **Article 17. Rules for Rendering Services at a Seaport**

1. At a seaport shall be rendered services, involved in servicing ships and in handling cargoes, including for reloading the latter, as well as in servicing passengers, and other services.

2. The rules for rendering services at a seaport are in fact the normative legal acts, issued in the established order, which regulate rendering services at a seaport and are obligatory for the participants in the legal relations, regulated by the given rules.

3. The federal executive power body in the area of transport shall approve, while taking into account proposals from the interested federal executive power bodies:

1) the rules for rendering services involved in reloading cargoes at a seaport;

2) the rules for rendering services involved in servicing ships at a seaport and at the approaches to it;

3) the rules for rendering the other services, usually rendered at a seaport.

4. The rules for servicing passengers and the rules for rendering the other services, usually rendered at a seaport and those not connected with the performance of business activity by the passengers and by the other citizens, including the services concerning the hand luggage, the luggage and the cargo baggage, shall be approved by the Government of the Russian Federation.

5. The rules for rendering services, involved in reloading cargoes at a seaport, regulate technological processes, connected with reloading cargoes, while taking into account the specifics of various kinds of cargoes, and in these rules shall be contained the rules for the acceptance and the

issue of cargoes, made by the sea terminal's operator and by the shipper, the definition of the place for the acceptance and the issue of cargoes, and the procedure for formalising the acceptance and the issue of cargoes, as well as the other rules.

**6.** The rules for rendering services involved in servicing ships at a seaport and at the approaches to it, regulate the terms for rendering such services.

**7.** Services at a seaport shall be rendered by legal entities and by individual businessmen on the ground of contracts, concluded with the users.

**8.** The performance by legal entities and by individual businessmen of the kinds of activity, subject to licensing in conformity with the legislation of the Russian Federation, is permitted only on the ground of licences.

**9.** As concerns the services, involved in tugging ships, and those rendered by the marine agency service, by the marine mediatory service and by the marine insurance service, as well as the services connected with carrying out salvage operations at the seaport, the rules, established in the Civil Code of the Russian Federation and in the Commercial Seafaring Code of the Russian Federation, shall be applied.

#### **Article 18. Tariffs on the Seaport Services**

**1.** Tariffs on the seaport services, rendered by the subjects of natural monopolies, and the rules for the application of such tariffs shall be established in accordance with the legislation of the Russian Federation on natural monopolies.

**2.** The size of the remuneration of services at a seaport, not referred to the area of natural monopolies, shall be defined on the ground of contracts.

#### **Article 19. The Port Dues**

**1.** Rendering at the seaports the services, aimed at the use of the individual objects of the seaport infrastructure, as well as those aimed at providing for the seafaring's security at the seaport and at the approaches to it, shall be carried out on the paid basis (the port dues).

**2.** The port dues shall be paid to the seaport administration or to the economic subject, who has rendered the corresponding services at the seaport.

**3.** At a seaport may be established the following port dues:

- 1) ships' dues;
- 2) canal dues;
- 3) icebreaker dues;
- 4) pilotage dues;
- 5) lighthouse dues;
- 6) navigation dues;
- 7) berthing dues;

8) ecological dues.

4. The list of the port dues, collected directly at every seaport, shall be established by the federal executive power body in the area of transport.

5. The rates of the port dues and the rules for their application shall be established in conformity with the legislation of the Russian Federation on natural monopolies.

## **Chapter 5. Specifics in Rendering Services Involved in Reloading Cargoes at a Seaport**

### **Article 20. Contract for Reloading a Cargo**

1. The services involved in reloading cargoes shall be rendered by the sea terminals' operators on the ground of a cargo reloading contract.

2. Under a cargo reloading contract one party (the sea terminal's operator) assumes upon himself the duty to reload a cargo for a payment and to render and carry out the other services and works, defined in the cargo reloading contract, while the other party (the customer) assumes upon itself the duty to provide for a timely presentation of the cargo for its reloading in the corresponding volume and (or) for a timely receipt of the cargo and for its withdrawal. Under a cargo reloading contract, as the customer may come out the sender of the cargo (the consignee), the receiver of the cargo (the consignor), the shipper, the dispatcher or any other natural or legal person.

3. In the cargo reloading contract shall be defined the volume and the time terms for reloading the cargo, as well as the other terms for rendering services and for the performance of works by the sea terminal's operator, the terms for the customer's presentation of the cargo for reloading, as well as the other terms, recognised by the parties as essential for organising and carrying out the process, involved in reloading the cargo.

4. The sea terminal's operator may carry out under a cargo reloading contract the loading, unloading and shifting of the cargo within the boundaries of the seaport, and the technological accumulation of the cargo. A cargo reloading contract may envisage the formalisation of documents on the cargoes, subject to reloading, as well as rendering other additional services and works.

### **Article 21. Specifics in the Acceptance and in the Issue of Cargoes**

1. Cargoes shall be accepted and issued by the sea terminals' operators and by the shippers at the places for loading and unloading cargoes, allocated for the corresponding transportation facilities, which are situated at the seaport.

2. The places for loading cargoes into railway cars and for unloading them from railway cars are the non-general use sectors of the railway lines, intended for such loading or unloading of cargoes and situated at the

berths and at the warehouses and (or) adjacent to them, and (or) a part of the general use railway lines.

3. Cargoes shall be accepted by the sea shipper from the consignee (the sender of the cargo) and issued by him to the consignor (the receiver of the cargo) at the seaport either in the cargo hold or at the ship's board, or on the cargo deck of the ship.

4. Cargoes shall be accepted from the consignee (the sender of the cargo) and issued to the consignor (to the receiver of the cargo) on the inner road of the seaport in all cases either in the cargo hold or on the cargo deck of the ship.

5. If the cargo reloading contract has imposed upon the sea terminal's operator the duty to accept the cargo from the shipper and (or) to issue the cargo to the shipper so that the cargo shipment is continued, the shipper, if there is a contract for the cargo shipment, shall provide for the issue of the cargo to the sea terminal's operator and (or) for the acceptance of the cargo from the sea terminal's operator with checking its condition by an external examination, as well as with checking the mass of the cargo and the number of its pieces.

## **Article 22. Providing for the Cargoes' Withdrawal from the Seaport**

1. A timely withdrawal of cargoes from the seaport shall be ensured by the customer or by the person, legally authorised by the customer for the receipt of cargoes from the sea terminal's operator.

2. The time term, in the course of which cargoes shall be withdrawn from the seaport, shall be determined in the cargo reloading contract in conformity with the established rules for rendering services involved in reloading cargoes at the seaport.

3. If the cargoes are not withdrawn from the seaport within the fixed time term, the actions of the sea terminal's operator shall be defined in the present Article and in the rules for rendering services involved in reloading cargoes at the seaport.

4. The sea terminal's operator is obliged to take measures, possible under the formed circumstances and aimed at providing for the security of cargoes, not withdrawn out of the seaport within the fixed time term.

5. The sea terminal's operator shall notify in writing the customer about an expiry of the time term, fixed in the cargo reloading contract for the withdrawal of cargoes from the seaport, unless a different order for the notification is envisaged in such contract.

6. Unless otherwise stipulated in the cargo reloading contract, the sea terminal's operator may exercise with respect to the cargoes, not withdrawn from the seaport within the fixed time term, his right to withhold these cargoes in conformity with Article 23 of the present Federal Law.

7. On the ground of the corresponding contract, the sea terminal's operator shall hand over the cargoes, put under the customs control and not withdrawn within the fixed time term, to the customs body or to the

person, authorised by the latter, for their haulage to a temporary storage warehouse.

### **Article 23. Right to Withhold Cargoes**

1. Unless otherwise envisaged in the cargo reloading contract, the sea terminal's operator has the right to withhold cargoes (with the exception of those withdrawn from the turnover or restricted in the turnover in conformity with the federal laws, as well as of the cargoes, intended for the needs of the country's defence, for the state's security and for providing for the law and order), if the payments, stipulated in the cargo reloading contract and (or) in the present Federal Law, are not made to him. In this case the claims of the sea terminal's operator, who withholds the cargoes, shall be satisfied at the expense of the cost of the cargoes, realised in the accordance with the procedure, established in the present Article. The sea terminal's operator has the right to withhold the cargoes until the customer settles his indebtedness on the payments, envisaged in the cargo reloading contract and (or) in the present Federal Law, in full volume, with an account for the outlays of the sea terminal's operator, connected with withholding the cargoes.

2. If in the course of the time term, stipulated in the cargo reloading contract, the cargoes, handed over to the sea terminal's operator, are not claimed and (or) are not withdrawn from the seaport, or if the customer has not settled his indebtedness to the sea terminal's operator for the payments, envisaged in the cargo reloading contract and (or) in the present Federal Law, the cargoes may be fully or partially realised by the sea terminal's operator on the ground of a court decision. The judicial procedure for the realisation of cargoes shall not be spread to the cases, established in the fifth part of the present Article.

3. Containers, bottom trays or other appliances for the transportation or for the packing of cargoes, if such appliances belong by the right of ownership to the customer, may be fully or in part realised by the sea terminal's operator on the ground of a court decision. The judicial procedure for realising such appliances shall not be spread to the cases, established in the fifth part of the present Article.

4. The sea terminal's operator is obliged to notify the customer in writing, unless a different order for the notification is envisaged in the cargo reloading contract, about the forthcoming independent realisation of the foodstuffs and (or) of perishable cargoes, as well as of the appliances for their transportation or packing, belonging by the right of ownership to the customer.

5. If the customer has not adopted the decision on the destiny of the foodstuffs and (or) of the perishable cargoes within four days after receiving the notification, the sea terminal's operator has the right to realise such cargoes, as well as appliances for their transportation or packing, belonging by the right of ownership to the customer (with the exception of the

cargoes, withdrawn from the turnover or restricted in the turnover in conformity with the federal laws, and of the cargoes, intended for the needs of the country's defence and of the state's security, and for providing for the law and order), in conformity with the purchase and sale contract, proceeding from the price of the cargoes, confirmed by the documents on the remuneration of their cost or, in the absence of such documents, by the corresponding contract, or proceeding from the price which is usually charged for similar commodities under the comparable circumstances, or on the ground of an expert estimate. The expert estimate of the cost of cargoes shall be made by the subjects of the assessment activity in conformity with the legislation of the Russian Federation on the assessment activity or by way of conducting an expert examination in conformity with the legislation of the Russian Federation on the civil court proceedings or with the legislation of the Russian Federation on the court proceedings at the arbitration courts, or with the legislation of the Russian Federation on the arbitration tribunals.

6. The procedure for recording cargoes, realised by the sea terminal's operator, and for settlements on them shall be determined by the federal executive power body in the area of transport.

7. The funds, received from the realisation of cargoes, minus the payments due to the sea terminal's operator and the outlays on the withholding and realisation of cargoes, shall be transferred to the customer. If the means, derived from the realisation of cargoes, are not sufficient to cover the payments due to the sea terminal's operator and the outlays, involved in the withholding and realisation of cargoes, the sea terminal's operator has the right to claim the full compensation for the losses, caused to him, in court.

8. If the cargoes, withheld by the state bodies, authorised for doing this, as well as the cargoes, from which the person, legally authorised to dispose of, has refused in favour of the state, the payments, envisaged in the cargo reloading contract and (or) in the present Federal Law, shall be transferred to the sea terminal's operator at the expense of the funds, derived from the realisation of the cargoes, unless the customer has remunerated to the sea terminal's operator the cost of the rendered services and of the performed works.

#### **Article 24. Grounds for the Responsibility of the Sea Terminal's Operator**

1. The sea terminal's operator is held responsible for the loss, shortage or damage of cargoes as from the day of their acceptance to the warehouse and up to the day of their issue or presentation at the disposal of the customer or of the person, legally authorised by him.

2. The sea terminal's operator is held responsible for the loss, shortage or damage of cargoes, caused through his guilt, in the following amounts:

1) in the amount of the cost of the lost or short cargoes - for the loss or for the shortage of cargoes;

2) in the amount of the sum, by which the cost of the cargoes was reduced, and in the amount of the cost of the damaged cargoes if it is impossible to restore them - for the damage of cargoes;

3) in the amount of the declared cost of cargoes - for the loss, shortage or damage of cargoes, handed over to the sea terminal's operator with the declaration of their cost.

3. Alongside with the recompense for the cost of the lost, short or damaged cargoes, the sea terminal's operator shall return to the customer the earlier received payment for the technological accumulation of such cargoes, if the cargo reloading contract envisaged the service for the technological accumulation of cargoes and if this payment was not included into their cost.

4. The cost of the lost, short or damaged cargoes shall be defined proceeding from the price of the cargoes, confirmed by the documents on the remuneration of their cost or mentioned in the documents, accompanying the cargo. In the absence of the indication of the price in the documents, accompanying the cargo, the cost of the cargoes shall be defined proceeding from the price, which is usually charged for similar commodities under the comparable circumstances, or on the ground of an expert estimate.

5. If cargoes are not issued by the sea terminal's operator to the customer or to the person, legally authorised by him, in the course of thirty days after the day defined in the cargo reloading contract, the cargoes shall be recognised as lost.

6. An application for the loss, the shortage or the damage of cargoes shall be filed to the sea terminal's operator on the day of issue or of the refusal to issue the cargoes to the customer or to the person, legally authorised by him. If during the issue of cargoes the customer or the person, legally authorised by him, has not filed in writing an application to the sea terminal's operator about the loss, the shortage or the damage of cargoes and has not indicated the general character of the loss, shortage or damage of cargoes, it is seen, unless otherwise proved, that the cargoes are received in accordance with the description, contained in the documents accompanying the cargo.

## **Article 25. Claims and Suits. Period of Legal Limitation**

1. Before a suit is instituted against the sea terminal's operator, stemming from the cargo reloading contract, it is obligatory to present the corresponding claim against him, with the exception of instituting suits in connection with rendering services and (or) performing works for the personal, family, household and other needs, having no bearing upon business activity, carried out by the customer.

2. The claims, stemming from the cargo reloading contracts, may be presented to the sea terminal's operator within six months as from the day of setting in of the events, which have served as a ground for the presentation of claims. The sea terminal's operator has the right to accept for consideration the given claims after an expiry of the time term fixed in the present Article, if he recognises the reasons for missing the term for the presentation of the given claims as sound.

3. The claims, stemming from the cargo reloading contract, shall be presented in writing and to them shall be enclosed documents, confirming the presented claims, including the documents, confirming the mass of cargoes, the number of their pieces and their cost.

4. The sea terminal's operator is obliged to consider the claim, stemming from the cargo reloading contract, within thirty days as from the day of receiving it, and to inform in writing the applicant about the satisfaction (including about a partial satisfaction) or about the rejection of the given claim. If the sea terminal's operator satisfies the given claim partially or if he rejects the given claim, in the applicant's notification shall be pointed out the grounds for the adopted decision, with a reference to the federal laws and to the other normative legal acts of the Russian Federation. Together with the notification in writing about a partial satisfaction or about the rejection of the given claim, to the applicant shall be returned the documents, submitted at its presentation.

5. As from the day of presentation against the sea terminal's operator of a claim, stemming from the cargo reloading contract, the course of the period of legal limitation shall be suspended until receiving the answer to the given claim or until an expiry of the time term, fixed for the supply of the answer.

6. The claims, stemming from the cargo reloading contract, may be presented in the course of one year as from the day of setting in of the events, which have served as a ground for the presentation of such claims.

## **Article 26. Demands Made on Reloading Dangerous Cargoes**

1. The cargoes, coming in to the warehouses of the sea terminal's operator, shall correspond as concerns their physical and chemical properties, package and marks to the demands of security of the shipments of cargoes, established by the federal executive power body in the area of transport.

2. Dangerous cargoes are those which, by force of their physico-chemical properties and (or) of the other specifics in their shipment, reloading and storage, may create a threat to the human life or health, or may inflict harm upon the environment, or may damage or destroy material values.

3. If a dangerous cargo is handed over to the sea terminal's operator with a violation of the established rules (an incorrect designation and marking, or an absence of the marking, of the designation or of the

package, or of the documents, demanded by the legislation of the Russian Federation), while at the acceptance of the dangerous cargo the sea terminal's operator could not have identified the cargo's dangerous character through an external examination or was not informed in any other way about the dangerous character of the cargo or about the necessary measures of precaution, the destruction and (or) neutralisation of such cargo shall be provided for by the sea terminal's operator if a situation arises, presenting danger to the other cargoes at the seaport, to the security of the objects of its infrastructure or to the human health or life, without any recompense of the losses to the consignee (the sender) or to the consignor (the receiver), or to another person, acting with respect to the given cargo on some different lawful ground. The destruction or neutralisation of dangerous cargoes is carried out in accordance with the procedure, established by the Government of the Russian Federation.

4. The outlays of the sea terminal's operator, made in connection with taking measures for the destruction or neutralisation of a dangerous cargo, pointed out in the second part of the present Article, shall be recompensed by the person, who was obliged to supply information about the dangerous cargo.

#### **Article 27. Regulation of Legal Relations Between the Sea Terminal's Operator and the Shipper**

1. At the seaports may be carried out the reloading of cargoes, shipped in the direct international communication and in the indirect international communication, as well as in the direct and the indirect mixed communication, by way of interaction between the sea terminals' operators and the shippers of the marine, railway, automobile and the other kinds of transport.

2. The procedure for the interaction and the rights and duties of the sea terminals' operators and of the shippers in rendering services involved in reloading cargoes at a seaport, shall be defined in the principal agreements, stipulated in Article 799 of the Civil Code of the Russian Federation.

3. Principal agreements shall be concluded for a term of five years. If the technical equipment of the parties to a principal agreement or the technology of their performance of works changes, the principal agreement may be completely or partially amended at the proposal of one of the parties before an expiry of the term of its validity.

4. In a principal agreement, concluded by the sea terminal's operator with the shipper of the railway transport, shall be established:

1) the places and norms for the simultaneous loading of cargoes into railway cars and unloading of cargoes from railway cars with an account for the production conditions and for the volume of shipments, on the ground of a uniform technological process of work of the railway station and of the sea terminal's operator.

- 2) the normatives of time, fixed for:
  - a) breaking up trains and groups of railway cars, and for the presentation and cleaning of railway cars;
  - b) sorting out railway cars and the other transportation facilities as concerns the consignees (the senders) and the consignors (the receivers);
  - c) performing operations, involved in the acceptance and handing over of cargoes;
  - d) formalisation and issue of documents;
  - e) putting railway cars onto the truck scales and taking them off the scales;
  - f) equipping railway cars for loading cargoes;
  - g) loading cargoes into railway cars and reloading cargoes from them;
  - h) cleaning railway cars from the appliances for loading, placement, fastening and shipping cargoes, and from the remnants of the earlier shipped cargoes;
  - i) examination of railway cars and of the other facilities as concerns their commercial and technical fitness for loading cargoes;
- 3) procedure for settlements between the parties to the main agreement;
- 4) special conditions, exerting an impact upon the loading of cargoes into railway cars and upon their unloading from railway cars, and upon the performance of other works and operations (meteorological conditions, work shifts, etc.);
- 5) other conditions, envisaged in the parties' agreement.

**5.** If the sea terminal's operator has no locomotive, the railway cars shall be presented and withdrawn to and from the places for loading and unloading and the manoeuvre work on the non-general use railway lines, situated within the seaport's boundaries, shall be carried out by the locomotive of the shipper of the railway transport in accordance with the terms of the principal agreement.

**6.** The shippers of the marine, the railway and the other kinds of transport may conclude agreements with the owners of the objects of the seaport infrastructure, who are not sea terminals' operators.

## **Chapter 6. Land and Property Relations at a Seaport**

### **Article 28. Land Plots for Providing for an Activity at a Seaport**

**1.** In order to create the necessary conditions for a safe operation of the objects of the seaport infrastructure, on the land plots, adjacent to the seaport boundary, may be established guarding, sanitary-protection and other zones with special terms for the use of the lands in conformity with the legislation of the Russian Federation.

2. The land plots within the seaport boundaries cannot be in the ownership of foreign citizens, of stateless persons and of foreign organisations.

3. The land plots within the seaport boundaries shall not be allocated into the ownership to individual businessmen or to legal entities, except in the cases, established in the fourth part of the present Article.

4. The land plots within the boundaries of the seaport's territory, occupied by the port hydrotechnical installations created or acquired at the expense of the funds of investors (individual businessmen or legal entities), as well as the land plots, occupied by buildings, structures and installations used for the performance of an activity at the seaport and belonging by the right of ownership to individual businessmen or legal entities, may be in their ownership.

5. For the performance of an activity at a seaport, within the seaport boundaries may be included the land plots, which are in the ownership of individual businessmen or of legal entities.

6. A land plot, situated within the seaport boundaries, may be withdrawn from the owner for the state needs by way of the redemption by the state or of the sale at a public auction in accordance with the procedure, envisaged in Articles 279-282 and 284-286 of the Civil Code of the Russian Federation.

7. The federal executive power bodies, authorised to take decisions on the withdrawal of land plots situated within the seaports' boundaries for the state needs, and the procedure for preparing and adopting these decisions shall be identified in the federal land legislation.

#### **Article 29. Restriction of the Turnover of the Objects of the Seaport Infrastructure**

1. Exclusively in the federal ownership are the following objects of the seaport infrastructure:

1) approach channels and submarine installations, created as a result of the performance of dredging works;

2) radiolocation systems for controlling the ships' movement;

3) objects of the seaport infrastructure, necessary for the functioning of the Global Marine Communication System at a Disaster and for Ensuring Security;

4) navigation equipment appliances and other objects of the navigation and hydrographic provisions for shipping lanes;

5) objects and appliances of the automated information system and of the uniform service for controlling the seafaring and for its management.

2. The following objects of the seaport infrastructure, which are in the state ownership, shall not be alienated or handed over into the municipal ownership:

1) coastal-protection installations, sea defence walls, dams, moles, piers and berths;

2) objects of the seaport infrastructure, used to provide for the activity of the state control and supervision bodies;

3) railway and automobile approach roads, communication lines, appliances for the heat, gas, water and electricity supply, and the other facilities, as well as the engineering communications, used in running two or more sea terminals;

4) icebreakers and special salvage vessels.

3. The objects of the seaport infrastructure mentioned in the second part of the present Article, created or acquired at the expense of the funds of legal entities or of individual businessmen, may be in their ownership. The operation of the present Article shall also be spread to the objects of the seaport infrastructure, which are in the ownership of legal entities or of individual businessmen and which have been created or acquired by them before the day of entry into force of the present Federal Law.

4. The objects of the seaport infrastructure, mentioned in the first and in the second parts of the present Article, may be handed over into possession and into use to legal entities and to individual businessmen, unless otherwise stipulated in the legislation of the Russian Federation.

5. The objects of the seaport infrastructure, indicated in the first and in the second parts of the present Article, shall not be sold in the course of bankruptcy procedures and shall not be included into the tender mass.

### **Article 30. Management of the State Property at a Seaport**

1. The management of the state property at a seaport shall be aimed at creating conditions for the provisions for and for the development of an activity at the seaport, for an effective use of the state property in conformity with its goal-oriented purpose and for ensuring the preservation and reproduction of the state property.

2. The federal property at a seaport is managed by the federal executive power bodies, authorised by the Government of the Russian Federation in conformity with the present Federal Law and with the other normative legal acts of the Russian Federation.

3. The federal executive power body, discharging the functions involved in rendering state services and in the management of the state property in the area of the marine transport, shall also exercise, alongside with the already possessed powers, the following powers with respect to the federal property, which is assigned, respectively, under an economic control or into an operative management to the subordinate federal state unitary enterprises and federal state institutions:

1) organise an assessment of the federal property for the purpose of exercising the property and other rights and lawful interests of the Russian Federation, and define the terms of contracts for making an assessment of the federal property;

2) with respect to the federal state unitary enterprises:

a) agree the deals with immovable property;

b) coordinate decisions on the participation of the unitary enterprise in commercial and non-profit organisations, as well as on the conclusion of a simple partnership contract;

c) agree the disposal of the contribution (share) in the authorised (summed up) capital of economic companies or partnerships, as well as of the shares, belonging to the unitary enterprise;

d) approve an auditor and determine the size of the remuneration of his services;

3) assign the federal property under an economic control and into an operative management of federal state unitary enterprises and effect in accordance with the established procedure the legitimate withdrawal of this property;

4) assign the federal property into an operative management of federal state institutions and withdraw in the established order an excessive property and that not used or used other than to the set purpose, which is assigned into an operative management of the said institutions;

5) exert control over the disposal, over the use to the set purpose and over the preservation of the federal property;

6) conduct within the scope of its competence an audit of the utilisation of the federal property, appoint and conduct documentary and other audits, including organising inspections, and adopt the decision on conducting the audits of federal state unitary enterprises and of federal state institutions.

### **Article 31. Terms for Granting the Property, Which Is in the State Ownership and Is Situated at a Seaport, into the Possession and into the Use**

1. The present Article regulates the terms for granting into the possession and into the use land plots within the seaport boundaries and objects of the seaport infrastructure by way of giving out such land plots and objects of the seaport infrastructure into lease and of concluding concession agreements.

2. The land plots and the objects of the seaport infrastructure, pointed out in the first part of the present Article, shall be given out into lease in accordance with their goal-oriented purpose in accordance with the procedure, established in the present Federal Law and in the other federal laws and the other normative legal acts of the Russian Federation.

3. At giving out into lease the land plots, which are in the federal ownership and on which the port hydrotechnical installations are situated or which are granted for the construction of these installations, the size of rentals shall not exceed the sum computed proceeding from the rate of the land tax for the transport lands, established in conformity with the legislation of the Russian Federation on taxes and fees.

4. The size of rentals for the use of the objects of the seaport infrastructure, which are in the state ownership and are referred to

immovable property, shall be determined on the ground of an independent assessor's report on an assessment of the market cost of the property rights to the use under a contract of lease of the state immovable property, situated within the seaport boundaries, in conformity with the legislation of the Russian Federation on the assessment activity and with the federal standard for the assessment, approved by the federal executive power body, discharging the functions involved in the normative-legal regulation of the assessment activity.

**5.** The procedure for the indexation of rentals for the use of the objects of the seaport infrastructure, which are in the state ownership, shall be determined in conformity with the terms of the contract of lease, concluded by the parties.

**6.** The rentals for the use of the objects of the seaport infrastructure, which are in the state ownership, shall be transferred by the lessees to the persons, onto whose balance such objects of lease are put. If such objects of lease are put onto the balance of federal state budgetary institutions, the rentals for the use of the objects of the seaport infrastructure, which are in the state ownership, shall be transferred in accordance with the procedure, established in the budgetary legislation of the Russian Federation.

**7.** The term of lease of the property, which is in the state ownership and is situated at a seaport, comprises forty-nine years, unless a shorter term is declared by the lessee of such property. If upon the lessee of an object of the seaport infrastructure, which is in the state ownership and is referred to immovable property, is imposed the duty to carry out at his own expense the capital repairs of such leased object, the minimum term for its lease cannot be less than fifteen years.

**8.** Below are listed the obligatory terms of a lease contract or of a concession agreement with respect to the objects of the seaport infrastructure, which are in the state ownership and are referred to immovable property:

1) the use of the object of lease or of the concession agreement to the set purpose;

2) an equal access to services at the seaport, rendered with the use of the object of lease or of the object of the concession agreement;

3) unobstacled access for the representatives of the state control and supervision bodies for exercising their powers, stipulated in the legislation of the Russian Federation.

**9.** The use of the object of lease, pointed out in the eighth part of the present Article, not to the set purpose, and also the non-use of such object of lease through the guilt of the lessee for over one year are essential violations of the terms of the contract of lease and may entail its pre-schedule cancellation at the lessor's demand by the court.

**10.** The lessee has the right to give out the object of the seaport infrastructure, which is in the state ownership, into sublease with the lessor's consent.

**11.** The contract of lease for an object of the seaport infrastructure, which is in the state ownership and is referred to immovable property, shall be concluded without holding a tender with the person, to whom an adjacent object of the seaport infrastructure, referred to immovable property, belongs by the right of economic control or operative management, if this adjacent object of immovable property is inseparably linked with the said object of lease and facilitates the technological process for rendering services at the seaport due to its technical characteristics, place of location and purpose.

**12.** If several persons, possessing the right to conclude a contract of lease without holding a tender, stipulated in the eleventh part of the present Article, wish to make use of the right to conclude a contract of lease for the object of the seaport infrastructure, which is in the state ownership and is referred to immovable property, holding a tender among these persons is obligatory.

**13.** The conclusion on the existence of an inseparable link between the objects of the seaport infrastructure, mentioned in the eleventh part of the present Article, and on the provisions for the technological process for rendering services at the seaport shall be issued by the federal executive power body, discharging the functions involved in rendering state services and in the management of the state property in the area of the marine transport.

**14.** The procedure for giving out into lease the federal property, handed in, respectively, to the federal state unitary enterprises and to the federal state institutions, put under the jurisdiction of the federal executive power body, which discharges the functions involved in rendering state services and in the management of the state property in the area of the marine transport, shall be established by the federal executive power body in the area of transport in agreement with the federal executive power body, discharging the functions involved in the elaboration of the state policy and in the normative-legal regulation in the area of analysis and prognostication of the socio-economic development and of the development of business activity.

## **Chapter 7. Final Provisions**

### **Article 32. Transitional Provisions**

**1.** The seaports, where as on the day of entry into force of the present Federal Law services are rendered (hereinafter referred to as the operating seaports), are seen as open for rendering services regardless of the date when they were awarded the ordinal registration number in the Register of the Seaports of the Russian Federation. Information on the operating seaports shall be entered into the Register of the Seaports of the Russian Federation in the established order.

2. The land plots within the boundaries of an operating seaport may be referred to those of industry, energy, transport, communications, radio broadcasting, television or informatics, to the lands for providing for the space activity, to those intended for the defence and security, and to the lands intended for a different special purpose or to another category of lands with the permitted use for locating a seaport.

3. The land plots for providing for an activity at a seaport, the decision on whose construction is adopted by the Government of the Russian Federation after the day of entry into force of the present Federal Law, are referred to the lands of industry, energy, transport, communications, radio broadcasting, television, informatics, to the lands for providing for the space activity, to those intended for the defence and security, and to the lands intended for a different special purpose with the permitted use for locating a seaport.

4. Until the seaport boundaries are established by the Government of the Russian Federation, under these boundaries shall be understood the habitually formed boundaries of the seaport. Under the habitually formed boundaries of a seaport are understood the seaport boundaries, information about which is contained in the seaport's obligatory decisions or which is published in the Seafarers' Notices.

5. Until the adoption by the Government of the Russian Federation of an act, stipulating the creation of the administration of the point of crossing the State Frontier of the Russian Federation, the functions of the administration of the point of crossing the State Frontier of the Russian Federation at the seaport shall be discharged by the seaport's administration, and the functions of the head of the point of crossing the State Frontier of the Russian Federation at the seaport - by the seaport captain.

6. Before the approval in accordance with the procedure, established in the Town Development Code of the Russian Federation, of the scheme for the territorial planning of the Russian Federation in the area of development of the federal transport, but not later than on January 1, 2010, the decision on building a new or on an extension of an operating seaport shall be adopted on the basis of the boundaries of the zones of the planned location of the capital construction objects of federal importance, approved by the federal executive power body in the area of transport.

7. The boundaries of the zones of the planned location of the capital construction objects of federal importance shall be approved in accordance with the procedure, established in Article 3.1 of Federal Law No. 191-FZ of December 29, 2004 on Putting into Force the Town Development Code of the Russian Federation.

**Article 33.** On the Introduction of Amendments into the Federal Law on Natural Monopolies

The sixth paragraph of Item 1 of Article 4 of Federal Law No. 147-FZ of August 17, 1995 on Natural Monopolies (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 34, 1995, Item 3426; No. 2, 2003, Item 168; No. 13, Item 1181; No. 1, 2006, Item 10), shall be rendered in the following edition:

"the services at the transport terminals, ports and airports;"

**Article 34.** On the Introduction of Amendments into the Federal Law on the Inland Sea Waters, the Territorial Sea and the Adjacent Zone of the Russian Federation

To introduce into Article 5 of Federal Law No. 155-FZ of July 31, 1998 on the Inland Sea Waters, the Territorial Sea and the Adjacent Zone of the Russian Federation (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 31, 1998, Item 3833; No. 35, 2004, Item 3607) the following amendments:

1) the first paragraph of Item 1 shall be rendered in the following edition:

"1. The legal regime of the seaports in the Russian Federation is uniform for all the seaports on the territory of the Russian Federation.";

2) Item 3 shall be edited as follows:

"3. The official person, regulating the entry of ships to the seaport and their exit from the seaport and responsible at the seaport for the security of the seafaring, is the seaport captain.";

3) Item 4 shall be recognised as having lost force;

4) Item 5 shall be rendered in the following edition:

"5. The functions and powers of the seaport captain shall be established and regulated by the present Federal Law and by the other federal laws and the other normative legal acts of the Russian Federation, applicable to seaports.".

**Article 35.** On the Introduction of Amendments into the Commercial Seafaring Code of the Russian Federation

To introduce into the Commercial Seafaring Code of the Russian Federation (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 18, 1999, Item 2207; No. 52, 2005, Item 5581; No. 50, 2006, Item 5279) the following amendments:

1) the sixth paragraph of Item 3 of Article 6 shall be recognised as having lost force;

2) Article 9 shall be rendered in this edition:

**"Article 9.** Seaports. Port Authorities

1. As a seaport shall be understood an aggregate of objects of the seaport infrastructure, situated in the specially allocated territory and water area and intended for servicing ships used for the purposes of commercial

seafaring, for a complex servicing of ships of the fishing fleet, for servicing passengers, for the performance of operations with cargoes, including those involved in their reloading, and for rendering other services, habitually rendered at a seaport, as well as for interaction with the other kinds of transport.

2. As the port authorities shall be understood the corresponding administrations of the seaports, exercising the administrative-authority and the other powers, imposed upon them by the federal laws and by the Decisions of the Government of the Russian Federation.

3. Activity at the seaports shall be performed in conformity with the Federal law.";

3) the second paragraph of Item 4 of Article 33 shall be presented in the following edition:

"The Rules for the registration of ships and of the rights to them at the seaports shall be approved by the federal executive power body in the area of transport,";

4) in Article 35:

a) Item 1 shall be edited as follows:

"1. The ships, pointed out in Item 2 of Article 23 of the present Code, shall be registered by the seaport captain.

"Information on the registered ships of the fishing fleet and on the rights to them shall be presented by the seaport captain every quarter to the federal executive power body in the area of fishing.";

b) in Item 3 the word, "commercial", shall be deleted;

5) in the second paragraph of Item 3 of Article 37, the word, "commercial", shall be removed;

6) in Item 2 of Article 53:

a) the second paragraph shall be rendered in the following edition:

"The Certificate on the minimum composition of the ship's crew, providing for security, shall be issued by the seaport captain, who has registered the ship.";

b) in the third paragraph the words, "at the commercial ports and at the marine fishing", shall be deleted;

7) in Article 54:

a) in Item 2 the word, "respectively", and the words, "at the commercial ports and at the marine fishing", shall be removed;

b) in Item 3 the word, "respectively", and the words, "of the commercial ports and of the marine fishing", shall be deleted;

8) Item 2 of Article 74 shall be edited in this way:

"2. The seaport captain shall act in accordance with the Regulations on the Seaport Captain, approved by the federal executive power body in the area of transport.";

9) Article 75 shall be edited as follows:

**"Article 75. Subordination of the Seaport Captain**

"The seaport captain is directly subordinate to the federal executive power body in the area of transport.";

10) in Article 76:

a) the designation shall be edited in this way:

**"Article 76. Functions of the Seaport Captain";**

b) the first paragraph shall be edited as follows:

"Upon the seaport captain shall be imposed the following functions for providing the seafaring's security and the order at the seaports:";

c) the eighth paragraph shall be presented in this edition:

"formalising the ships' arrival at the seaports and their exit from the seaports;"

11) Article 77 shall be recognised as having lost force;

12) Item 3 of Article 90 shall be edited as follows:

**"3.** The procedure for the ships' pilotage at the seaports shall be established by the seaport captain.";

13) in Article 108:

a) in Item 1 the words, "of the commercial port or of the captain of the nearest marine fishing", shall be deleted;

b) in Item 2 the words, "of the commercial port or the captain of the marine fishing", and the words, "of the commercial port or of the captain of the marine fishing", shall be deleted;

14) in Article 109:

a) in Item 1 the words, "of the commercial port or of the captain of the marine fishing", shall be removed;

b) in paragraphs first and second of Item 2 the words, "of the commercial port or the captain of the marine fishing", shall be deleted;

15) in the third paragraph of Item 1 of Article 111, the words, "of the port activity", shall be replaced by the words, "of an activity at the port";

16) in Article 114 the words, "commercial port or the nearest marine fishing", shall be omitted;

17) Item 4 of Article 376 shall be presented as edited in this way:

**"4.** The register of ships under construction, which shall be seen as seacraft after they are built, is kept at the seaports, situated close to the shipbuilding organisations.

"The Rules for the registration of rights to the ships under construction at the seaports shall be approved by the federal executive power body in the area of transport."

**Article 36. On the Introduction of Amendments into Part Two of the Tax Code of the Russian Federation**

To introduce into Article 340 of Part Two of the Tax Code of the Russian Federation (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 32, 2000, Item 3340; No. 33, 2001, Item 3429; No. 22, 2002, Item 2026) the following amendments:

1) in the fifth paragraph of Item 2 the words, "of the port services", shall be replaced by the words, "of services at the ports";

2) in the fourth paragraph of Item 3 the words, "of the port services", shall be replaced by the words, "of services at the ports".

**Article 37.** On the Introduction of Amendments into the Inland Water Transport Code of the Russian Federation

In the second paragraph of Item 1 of Article 112 of the Inland Water Transport Code of the Russian Federation (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 11, 2001, Item 1001) the words, "by the organisations, carrying out reloading of cargoes at the seaports", shall be replaced by the words, "by the sea terminals' operators,".

**Article 38.** On the Introduction of Amendments into the Federal Law on the Privatisation of the State and the Municipal Property

Item 8 of Article 28 of Federal Law No. 178-FZ of December 21, 2001 on the Privatisation of the State and the Municipal Property (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 4, 2002, Item 251; No. 17, 2006, Item 1782; No. 21, 2007, Item 2455; No. 31, Item 4009) shall be rendered in the following edition:

"8. The land plots in the composition of the following lands are not subject to alienation in conformity with the present Federal Law:

"- of the forest stock and of the water stock, and of the specially protected territories and objects;

"- of those contaminated by dangerous substances and those which have been subjected to biogenic contamination;

"- of those in general use (squares, streets, passages, motor roads, embankments, parks, forest parks, public gardens, gardens, boulevards, water objects, beaches and the other objects);

"of those not subject to alienation in conformity with the legislation of the Russian Federation.

"In conformity with the present Federal Law, not subject to alienation are the land plots within the boundaries of the lands, reserved for the state or municipal needs, which are in the state or in the municipal ownership.

"Unless otherwise stipulated in the federal laws, not subject to alienation in conformity with the present Federal Law are the land plots in the composition of the transport lands, intended to provide for the activity at the seaports, at the river ports and at the airports, or those allocated for their development."

**Article 39.** On the Introduction of Amendments into the Federal Law on Handing Over Lands or Land Plots from One Category into Another

Item 4 of the first part of Article 12 of Federal Law No. 172-FZ of December 21, 2004 on Handing Over Lands or Land Plots from One Category into Another (Sobraniye Zakonodatelstva Rossiiskoy Federatsii,

No. 52, 2004, Item 5276; No. 23, 2006, Item 2380; No. 52, Item 5498) after the words, "of the place of location of water objects", shall be extended by the words, ", including those connected with the creation of artificial land plots in the cases, stipulated in the federal laws,".

**Article 40.** On the Introduction of Amendments into the Federal Law on Concessions

To introduce the following amendments into Federal Law No. 115-FZ of July 21, 2005 on the Concession Agreements (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, No. 30, 2005, Item 3126):

1) Item 4 of the first part of Article 4 after the words, "including", shall be extended by the words, "artificial land plots, intended for the creation and (or) the reconstruction of the port's hydrotechnical installations",;

2) Article 11 shall be extended by Part 1.1 of the following content:

"1.1. The contract for the lease (sublease) of the land plot, pointed out in Item 4 of the first part of Article 4 of the present Federal Law, shall be concluded with the concessioner not later than in sixty working days after the performance of the state cadastre recording of the land plot.".

**Article 41.** Entry into Force of the Present Federal Law

1. The present Federal Law shall come into force after an expiry of ten days as from the day of its official publication, with the exception of Article 36 of the present Federal Law.

2. Article 36 of the present Federal Law shall come into force after an expiry of one month as from the day of its official publication and not earlier than on the first day of the regular tax period for the tax on the extraction of useful minerals.

President  
of the the Russian Federation

V. Putin

Moscow, the Kremlin,  
November 8, 2007.  
No. 261-FZ