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Russian legislation on wreck removal

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Russia developing «Emergency & disasters» regulations since 1649

Right after formation in 1923 «Expedition of Special Purpose Submarine Operations» (EPRON) was developed and in 1929 accepted the «Merchant Marine code» with the Annex IX "Sunken property at sea".

MMC-29 did not define the term «sunken property», but included in it wrecks, vessel parts, equipment, cargo, etc. Jurisdiction of the USSR with respect to sunken property was extended to the limits of port waters, «coastal sea belt» (with no limits) and the internal waters.

In 1968 was adopted Merchant Marine code of the USSR which mainly in the part of «sunken property» repeated the provisions of the Code of 1929 incorporating them into a separate chapter.

The modern Russian Wreck removal legislation consists of legislative acts in the status of federal laws and governmental agencies regulations

- Law of the Russian Federation "On Internal Waters, Territorial Sea and the Contiguous Zone" 1998 (last edited in 18.07.2017)
- Merchant Marine Code, 1999
- Code of Inland Water Transport, 2001



Scope of application of regulations set out in this Chapter VII. **SUNKEN PROPERTY**

The regulations set out in this Chapter

shall apply to the raising, removal and destruction of property sunken within the internal sea waters or the territorial sea of the Russian Federation.

shall not apply to: raising, removal and destruction of military property; raising of sunken marine property of a cultural nature, having prehistoric, archeological or historical value, if such property is found on the sea bed.

Vessel

Nairobi International Convention on the Removal of Wrecks, 2007

«**Ship**» means a seagoing vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms, except when such platforms are on location engaged in the exploration, exploitation or production of seabed mineral resources

Russian Legislation

«**vessel**» ... shall be understood any self-propelled or non-self-propelled floating construction used for the purpose of merchant shipping... used in the harvest of water biological resources, as well as transport, auxiliary vessels and vessels for special purposes (**Article 7, MMC-99**).

Shipowner

Nairobi International Convention on the Removal of Wrecks, 2007

«Registered owner» means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship at the time of the maritime casualty. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the operator or owner of the ship, “registered owner” shall mean such company.

Russian Legislation

«Shipowner» ... shall be understood a person who operates the vessel in his own name, whether being the owner of it or on any other lawful basis.



Sunken property

Nairobi International Convention on the Removal of Wrecks, 2007

«**Wreck**», following upon a maritime casualty, means:

- (a) a sunken or stranded ship; or
- (b) any part of a sunken or stranded ship, including any object that is or has been on board such a ship; or
- (c) any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
- (d) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken.

Russian Legislation

«**Sunken property**» ... shall cover wrecked vessels, their wreckage, equipment, cargoes and other articles, regardless of whether they are afloat or under water, sunken to the sea bed or cast up on shoals or onto the coast. (**Art. 107(2) MMC-99**).

The set up regulations shall not apply to: raising, removal and destruction of military property; raising of sunken marine property of a cultural nature, having prehistoric, archeological or historical value, if such property is found on the sea bed (**Art. 107(3) MMC-99**).

Covered areas

Nairobi International Convention on the Removal of Wrecks, 2007

«**Convention area**» means the exclusive economic zone (EEZ) of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

Russian Legislation

«**Water area**» - removal and destruction of property sunken within the internal sea waters or the territorial sea of the Russian Federation and also sunken within the water area of the Northern sea Route (**art. 107(1) MMC-99**).



«WRECK REMOVAL» DUTIES

**The duty to raise the sunken property
arises from :**

the *owner* and

**the *captain of the port* - if it creates a
threat to the safety of navigation or
damage to the marine environment by
pollution or impedes the implementation
of fishing, port activities and the work
carried out therein.**

Legal Actions in relation of the **SUNKEN PROPERTY**

Captain of the port has the rights to:

- Identify the ship sank area;
- issue Marine notice;
- control function of the ecological conditions;
- removing or destroying the sunken property.

The procedure for **removing or destroying** are not defined by law.



Foreign participation in Wreck removal in Russian waters

The lifting of sunken property in internal sea waters or in the territorial sea of the Russian Federation can be carried out by both Russian and foreign vessels, on the basis of permits.

In the case of a foreign rescue operator (or vessel) this permit can be granted only if Russia have no «specialized vessels» or capabilities to carrying out this mission.

Government Decree May 24, 2012 No. 504



Naval burials

«*Naval burial*» - the area on the seabed where flag state recognize and officially declare the death of crew members along with a sunken ship or aircraft.

Long-standing marine traditions, no specific legislation

Conclusions

Russian legislators:

- 1) should expand the scope of the provisions on sunken property to the external borders of the Russian EEZ;
- 2) determine the procedure for the removal and destruction of sunken property;
- 3) make appropriate clarifications in the procedure of insurance adequate to the requirements of WRC 2007.

Conclusions (cont.)

Russian legislators:

- 4) should recognized that the competence of the Harbor Master can not extend to the external limits of the exclusive economic zone, being limited buy the port boundaries or at least Territorial waters;
- 5) must determine the legal entity or state agency which could take responsibilities for Wreck removal in all determine by UNCLOS spaces.



Conclusions (cont.)

Russian legislators:

- 6) Due to the presence not only of commercial problems related to Wrecks removal but also public law issues, Russian legislation should incorporate the sunk property provisions into another legal source at the federal law level.

A detailed illustration of a naval battle scene. In the foreground, two large, dark-hulled sailing ships with multiple masts and complex rigging are engaged in combat. The ship on the left is firing a cannon, with a large plume of smoke and a bright flash visible. The ship on the right is also firing, with a smaller plume of smoke. In the background, several other sailing ships are visible, some with red sails, and a large, multi-masted sailing ship is in the distance. The sea is a deep blue with white-capped waves, and the sky is a pale, hazy blue. The overall style is that of a classic maritime painting.

**Thank you for
your attention**