

Federal Act on the exclusive economic zone of the Russian Federation(1)

Adopted by the State Duma on November 1998.

Approved by the Federation Council on 2 December 1998.

This Federal Act defines the status of the exclusive economic zone of the Russian Federation, the sovereign rights and jurisdiction of the Russian Federation in its exclusive economic zone and the exercise thereof in accordance with the Constitution of the Russian Federation, the generally recognized principles and norms of international law and the international treaties to which the Russian Federation is a party. Matters relating to the exclusive economic zone of the Russian Federation and activities therein not provided for in this Federal Act are regulated by other federal laws applicable to the exclusive economic zone of the Russian Federation and to activities therein.

CHAPTER I
GENERAL PROVISIONS

Article 1

Definition and limits of the exclusive economic zone of the Russian Federation

1. The exclusive economic zone of the Russian Federation (hereinafter referred to as “the exclusive economic zone”) is a maritime

The definition of the exclusive economic zone shall also apply to all islands of the Russian Federation with the exception of



25. Protecting rare and endangered species of living resources as recorded in the *Red Book*

subjects of the Russian Federation whose territories are adjacent to the coast, shall determine, within the parameters of the total allowable catch of living resources specified in article 7, paragraph 4, of this Federal Act, limits and quotas for the catch (harvest) of living resources. The limits and quotas for the catch (harvest) of living resources shall be approved by the Government of the Russian Federation.

7.

Article 11

Procedure and conditions for the issuance of licences (permits) for the commercial exploitation of living resources

1. Licences (permits) for the commercial exploitation of living resources shall be issued to Russian and foreign applicants within the parameters of assigned limits and quotas by the specially empowered federal executive body for fisheries, which shall inform the specially empowered federal executive body for environmental protection, federal executive body for the border service, federal executive body for customs matters and federal executive body for defence.
2. Licences (permits) issued for the commercial exploitation of living resources shall be subject to registration under the procedure established by the Government of the Russian Federation.
3. Licences (permits) for the commercial exploitation of living resources shall be issued to foreign applicants in accordance with article 9 of this Federal Act.
4. Licences (permits) for the commercial exploitation of living resources shall be valid for one calendar year, during the period and in the areas specified therein for the commercial exploitation of living resources. The original copy of the licence (permit) for the commercial exploitation of living resources must be on board each vessel engaged in such commercial exploitation.
5. The right to utilize living resources under the licence (permit) obtained for the commercial exploitation of living resources may not be transferred to a third party.

Article 12

Rights and duties of Russian and foreign licence holders engaged in the commercial exploitation of living resources

1. Russian and foreign applicants who obtain licences (permits) for the commercial exploitation of living resources (hereinafter referred to as "licence holders") shall be entitled to engage in such commercial exploitation solely within the parameters of the volumes, periods, types and areas specified in the licence (permit) for the commercial exploitation of living resources.
2. Licence holders shall be obliged:
 - To observe the established rules for catching (harvesting) living resources and the limits on their catch (harvest), and to comply with the conditions of the licence (permit) for the commercial exploitation of living resources;
 - To make the payments stipulated in a timely fashion;
 - To prevent the degradation of the natural conditions of the habitat of living resources;
 - To prevent illegal acclimatization of species of living resources and to comply with the requirements of the quarantine regime;
 - To ensure unimpeded access to a commercial fishing vessel by officials of protection agencies;
 - To ensure, at their own expense, optimum working conditions for officials of protection agencies;
 - To submit to the specially empowered federal executive body for the border service, federal executive body for fisheries, federal executive body for environmental protection, federal executive body for customs matters, federal executive body for currency and export control and federal executive body for taxation readily and without charge reports, including computer printouts, on the volumes of the catch (harvest) and the periods, types and areas of commercial exploitation of living resources, including information on the quantity, quality and species of living resources and products derived therefrom loaded onto or from other vessels and on the quantity, quality and species of living resources and products derived therefrom unloaded or loaded in foreign ports;
 - To maintain regular contact with the coastal services of the Russian Federation and, if appropriate equipment is available, to transmit, at the main international synoptical times, to the nearest radiometeorological centre of the Russian Federation, operational data on meteorological and hydrological observations in accordance with the standard procedures of the World Meteorological Organization and urgent information on oil pollution of the marine waters;

- To have special distinguishing marks;

- To mark set fishing (harvesting) gear at both ends with the name of the vessel (for foreign vessels, the name of the flag country), the number of the licence (permit) for the commercial exploitation of living resources and the index number of the fishing (harvesting) gear.

3. Foreign vessels engaging in the commercial exploitation of living resources under a licence (permit) for the commercial exploitation of living resources or entering the exclusive economic zone to take caught (harvested) living resources from other vessels shall also be obliged:

- To report daily to the specially empowered federal executive body for fisheries and federal executive body for the border service, by facsimile transmission or telegraph, on each entrance into the area for the purpose of engaging in permitted commercial exploitation of living resources or taking caught (harvested) living resources from other vessels and on each departure therefrom, passage through checkpoints on entrance and departure being mandatory;

- To inform the specially empowered federal executive body for border service daily of the vessel's position when engaging in the commercial exploitation of living resources or taking caught (harvested) living resources from other vessels;

- To engage in the commercial exploitation of living resources in the presence of an official of the specially empowered federal executive body for the border service and under the supervision of the said official;

harvesting, and shall ensure compliance with the rules established by such an international treaty.

5. The Russian Federation shall cooperate with interested States with a view to concluding international treaties for the purpose of ensuring the effective utilization and conservation of highly migratory fish species throughout their habitat, including beyond its exclusive economic zone.

6. The Russian Federation shall cooperate with interested States, either directly or through appropriate international organizations, for the purpose of conserving, studying and managing stocks of marine mammals within the exclusive economic zone. The Government of the Russian Federation may, for the purpose of conserving and restoring populations of marine mammals and in other necessary cases, establish stricter restrictions or regulations with respect to the commercial exploitation of marine mammals within the exclusive economic zone.

- Information on methods and means to be used in conducting the natural resource research or marine scientific research, including information on the name, tonnage, type and class of the vessels, manned or unmanned submarine apparatus, aircraft and other technical equipment, radioengineering equipment and catching (extraction) apparatus, together with a description of the scientific equipment;

- An identification of the forms of living or non-living resources that will be the subject of the research;

- The geographical coordinates of the areas in which the natural resource research or marine scientific research is planned and the routes to be followed to and from the areas indicated;

- The expected date of first appearance in the area in which the natural resource research or marine scientific research is to take place, the expected date of final departure from the area and, where appropriate, the dates of the deployment and removal of the scientific equipment;

- The name of the institution under whose management the natural resource research or marine scientific research is to take place;

- Information concerning the person responsible for conducting the natural resource research or marine scientific research (the leader of the expedition);

- Information concerning the possible effects of the planned research on the marine environment and on living and non-living natural resources.

6. Russian applicants shall provide information on all the types and the extent of participation by foreign nationals and foreign juridical persons in the natural resource research or marine scientific research.

7. Foreign a

4. A permit to conduct natural resource research shall be issued by the specially empowered federal executive body for fisheries by agreement with the specially empowered federal executive body for environmental protection, federal executive body for defence and federal executive body for the border service and, if necessary, with other relevant federal executive bodies.

■ A permit to conduct marine scientific research shall be issued by the specially empowered federal executive body for science and technology by agreement with the specially empowered federal executive body for fisheries, federal executive body for defence,

the programme of natural resource research or marine scientific research to the State databanks of the Russian Federation, the addresses of which are shown on permits to conduct natural resource research or marine scientific research;

- To notify immediately the specially empowered federal executive body for fisheries of any change in the natural resource research or the specially empowered federal executive body for science and technology of any change in the marine scientific research;

- Not to hinder activities carried out by the Russian Federation in the exercise of its sovereign rights and jurisdiction in the exclusive economic zone;

- To remove installations, structures and apparatus on completion of the natural resource research or marine scientific research, unless otherwise agreed.

2. In addition, Russian applicants and, if foreign nationals or foreign juridical persons are taking part in the natural resource research or marine scientific research conducted by them, foreign applicants shall be obliged to ensure participation in the natural resource research by representatives of the specially empowered federal executive body for fisheries of the Russian Federation and, in the case of marine scientific research, of the specially empowered federal executive body for science and technology, by agreement

federal executive body for science and technology by agreement with the specially empowered federal body for fisheries, federal executive body for defence, federal executive body for the border service, federal executive body for geology and the utilization of mineral resources, and federal executive body for hydrometeorology and environmental monitoring and, if necessary, with other relevant federal executive agencies.

3. A change shall be considered to have been approved if the relevant federal body, having confirmed receipt of notification of the proposed change, does not communicate its objections within 60 days following receipt of the notification.

Article 26

Suspension or termination of natural resource research or marine scientific research

1. Natural resource research conducted in violation of this Federal Act and the international treaties to which the Russian

proportionate to the actual or threatened damage, in order to protect the coastline of the Russian Federation or related interests (including fishing) from pollution or the threat of pollution.

Article 32

Protection and preservation of ice-covered areas

- Charges for the issuance of licences for the utilization of non-living resources; and
- Fees for the utilization of non-living resources.

Users shall also pay the other taxes and charges envisaged in the laws of the Russian Federation.

5. Payment shall not be required for carrying out observations within the context of State monitoring, conducting resource and marine scientific research, or for catching (harvesting) living resources for the purposes of reproduction and acclimatization. The amount of the catch (harvest) of living resources for these purposes shall be determined under the procedure established by the Government of the Russian Federation.

6. Payment for the utilization of living resources, fees for the utilization of non-living resources and also the amounts of the payment, fees, fines, deductions and charges envisaged in paragraph 4 of this article, and the procedure for collecting them and depositing them into the federal budget, shall be established by federal laws.

The procedure for computing and applying the regulations for payment for the utilization of living resources and the procedure for computing and applying the regulations in respect of fees for the utilization of non-living resources shall be determined by the Government of the Russian Federation.

7. Payment for the utilization of living resources and fees for the utilization of non-living resources, as well as fines for the excessive or inefficient utilization of living resources, shall be deposited in the federal budget.

8. Charges for the issuance of licences (permits) for the utilization of living resources, and also charges for the issuance of licences for the utilization of non-living resources, shall be sent to the specially empowered federal executive bodies which issued the licences (permits).

9. Monies for the portion of non-living resources sold by the Government of the Russian Federation that was obtained in the exclusive economic zone under the terms of agreements on the division of output and that belongs to the Russian Federation, or the value equivalent of that portion of the non-living resources, shall be deposited in the federal budget.

10. Users shall be liable for the non-payment or late payment of taxes, charges and other fees in accordance with the laws of the Russian Federation.

CHAPTER VII ENFORCEMENT OF THE PROVISIONS OF THIS FEDERAL ACT

Article 35 Protection agencies

1. The specially empowered federal executive body for the border service, federal executive body on environmental protection, and federal executive body for customs matters, shall, within the limits of their competence, ensure the protection of the exclusive economic zone and its living and non-living resources with a view to their conservation, protection and effective utilization and the protection of the marine environment and the economic and other legitimate interests of the Russian Federation.

2. The

5. Warships and military aircraft and other State vessels and aircraft of the Russian Federation shall ensure protection of the exclusive economic zone under their assigned flags, pennants and distinguishing marks.

Article 36
Rights of officials of the protection agencies

1. When performing their official duties, officials of the protection agencies shall have the right:

(i) To stop and inspect Russian and foreign ships, and to inspect artificial islands, installations and structures engaged in:

- The exploration and commercial exploitation of living resources in the exclusive economic zone;
- The transfer to other ships of living resources caught (harvested) in the exclusive economic zone;
- The exploration and exploitation of non-living resources;
- Natural resource research and marine scientific research;
- Other activities in the exclusive economic zone.

(ii) To verify documents on ships, artificial islands, installations and structures authorizing the performance of the activities referred to in paragraph 1, subparagraph (i), of this article, as well as fishing (harvesting) gear, equipment, instruments, installations and other articles used to carry out such activities;

(iii) In the cases envisaged in this Federal Act and the international treaties to which the Russian Federation is a party:

- To halt the activities referred to in paragraph 1, subparagraph (i), of this article, which violate this Federal Act and the international treaties to which the Russian Federation is a party;
- To detain violators of this Federal Act and the international treaties to which the Russian Federation is a party and confiscate

determined in accordance with the laws of the Russian Federation and the rules of international law;

(vi) To use weapons against violators of this Federal Act and the international treaties to which the Russian Federation is a party to repel attacks by them and stop resistance in the event that the lives of officials of the protection agencies are in immediate danger. The use of weapons must be preceded by a clearly expressed warning of the intention to use them and a warning shot in the air.

2. Warships and military aircraft of the federal executive body for the border service may use weapons against ships violating this Federal Act and the international treaties to which the Russian Federation is a party in response to the use of force on their part, as well as in other exceptional circumstances during hot pursuit, when all other measures required by the circumstances and necessary to stop the violation and detain the offenders have been exhausted. The use of weapons must be preceded by a clearly expressed warning of the intent to use them and by warning shots. The procedure for using weapons shall be determined by the Government of the Russian Federation.

3. Officials of the protection agencies shall enjoy the rights envisaged in this Federal Act with respect also to ships which are in the territorial sea or the internal waters of the Russian Federation, if there are sufficient grounds to believe that such ships have violated this Federal Act or the international treaties to which the Russian Federation is a party in the exclusive economic zone.

Article 37

Assistance to protection agencies

1. The specially empowered federal executive body for defence, federal executive body for fisheries, federal executive body for hydrometeorology and environmental monitoring, and federal executive body for transportation shall, concurrently with the performance of their basic tasks, assist the protection agencies in carrying out their functions by observing activities within the limits of the exclusive economic zone using warships, other vessels, shore posts and other means, and also aircraft.

2. The masters of ships and the commanders of warships and military aircraft of the Russian Federation and the persons in charge of activities on artificial islands, installations and structures and also at shore posts and other facilities shall notify the

party and the rules of international law.

Article 42

Monitoring and oversight of the implementation of this Federal Act

1. The implementation of this Federal Act, and the activities of the protection agencies and their officials, shall be monitored by the appropriate officials of the federal executive bodies.
2. Oversight of the implementation of this Federal Act shall be ensured by the Office of the Public Prosecutor of the Russian Federation, in accordance with federal law.

Article 43

Procedure for the entry into force of this Federal Act

This Federal Act shall enter into force on the date of its official publication.

Article 44

Endnotes

1 (Note - Note)

Translated from Russian. Original text communicated by the Permanent Mission of the Russian Federation to the United Nations in February 2001.