

Law of Ukraine on the exclusive (marine) economic zone of 16 May 1995

Taking into consideration the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, Ukraine hereby adopts this Law establishing the legal framework for the exclusive (marine) economic zone of Ukraine.

Article 1

Legislation pertaining to the exclusive (marine) economic zone of Ukraine

The legislation pertaining to the exclusive (marine) economic zone of Ukraine consists of this Law and other relevant legislative instruments of Ukraine which regulate matters pertaining to the legal framework of the exclusive (marine) economic zone of Ukraine.

Article 2

Definition of the exclusive (marine) economic zone of Ukraine

The exclusive (marine) economic zone of Ukraine shall be comprised of maritime areas beyond and adjacent to the territorial sea of Ukraine, including areas surrounding islands belonging to Ukraine.

The breadth of the exclusive (marine) economic zone of Ukraine shall not exceed a distance of 200 nautical miles measured from the same baselines as the territorial sea of Ukraine.

Article 3

Delimitation of the exclusive (marine) economic zone of Ukraine

The delimitation of the exclusive (marine) economic zone between Ukraine and States with coasts opposite or adjacent to the coast of Ukraine shall be effected, taking into consideration the legislation of Ukraine, by agreement on the basis of the principles and criteria generally recognized under international law, in order to achieve an equitable solution.

Article 4

Sovereign rights and jurisdiction of Ukraine in the exclusive (marine) economic zone of Ukraine

In its exclusive (marine) economic zone, Ukraine shall have:

Sovereign rights for the purpose of exploring, exploiting and conserving the natural resources, whether living or non-living, situated on the seabed, in its subsoil and in the superjacent waters and sovereign rights with regard to the management of other activities for the economic exploration and exploitation of the zone, including the production of energy by the use of water, currents or wind;

Jurisdiction, as provided for in the relevant provisions of this Law and in the norms of international law, with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment;

Other rights provided for in this Law, in other relevant legislative instruments of Ukraine and in the generally recognized norms of international law.

The sovereign rights and jurisdiction of Ukraine with respect to the seabed of the exclusive (marine) economic

zone of Ukraine and its subsoil shall be exercised in accordance with the legislation of Ukraine concerning the continental shelf of Ukraine and the Mineral Resources Code of Ukraine.

Article 5
Cooperation between Ukraine and other States

In order to ensure coordination in the management, protection, exploration and optimal use of the living resources and of scientific research and the protection and conservation of the marine environment in its exclusive (marine) economic zone, Ukraine shall cooperate with other States on the basis of international agreements.

Article 6
Rights and obligations of other States in the exclusive (marine) economic zone of Ukraine

Ukraine, in exercising its rights and fulfilling its obligations in the exclusive (marine) economic zone, shall take into consideration the rights and obligations of other States.

In the exclusive (marine) economic zone of Ukraine, all States, whether coastal or land-locked, shall enjoy, subject to the provisions of this Statute and other relevant legislative instruments of Ukraine, as well as the generally recognized norms of international law, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to those freedoms.

Article 7
Conservation and utilization of fish and other living resources

Ukraine shall ensure the optimum use of fish and other living resources in its exclusive (marine) economic zone through the adoption of proper conservation and management measures.

The harvesting of fish and of other living resources, as well as research, exploration and other operations connected with such harvesting, may be performed by foreign juridical or natural persons in the exclusive (marine) economic zone of Ukraine only on the basis of international agreements.

Foreign juridical or natural persons engaging in fishing in the exclusive (marine) economic zone of Ukraine in accordance with this article shall comply with the requirements for the conservation of fish and other living resources and with the other provisions and conditions established by this Law and by other relevant legislative instruments of Ukraine.

Article 8
Anadromous fish stocks

Ukraine shall exercise the rights stemming from its primary interest in and responsibility for anadromous fish stocks which originate in its rivers.

The competent Ukrainian authorities shall ensure the conservation of such anadromous stocks by the adoption of appropriate measures and by the establishment of rules regulating their fishing in the exclusive (marine) economic zone, including the establishment of total allowable catches, and, to this end, shall cooperate with the competent authorities of other States concerned if those fish stocks migrate beyond the limits of the exclusive (marine) economic zone of Ukraine.

Article 9

Enforcement of the legislation of Ukraine on the exclusive (marine) economic zone

In order to protect its sovereign rights with respect to the exploration, exploitation, conservation and management of the living resources in its exclusive (marine) economic zone, Ukraine shall adopt appropriate measures, including investigation, inspection, arrest and judicial proceedings, for the enforcement of the Ukrainian legislation.

The terms and conditions of the utilization of fish and other living resources of the exclusive (marine) economic zone shall be determined by the Cabinet of Ministers of Ukraine.

Article 10

Artificial islands, installations and structures

In its exclusive (marine) economic zone, Ukraine shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures for the purpose of conducting scientific research, exploration and exploitation of the natural resources and for other economic purposes in accordance with the legislation of Ukraine.

Article 11

Ukrainian jurisdiction over artificial islands, installations and structures

Ukraine shall have exclusive jurisdiction in its exclusive (marine) economic zone over artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Ukraine may establish safety zones around such artificial islands, installations and structures and determine in these zones appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures. The breadth of such safety zones shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally recognized international standards or recommendations of the competent international organization.

Article 12

Maintenance and operation of artificial islands, installations and structures

Juridical or natural persons of Ukraine and of other States and international organizations responsible for the maintenance and operation of artificial islands, installations and structures shall provide for the maintenance in good working order of permanent means for giving warning of their presence.

Any installations, structures and equipment which are abandoned or disused shall be removed as soon as possible and to such an extent as to create no obstacle to navigation and fishing and no danger of polluting the marine environment.

The construction of artificial islands, the erection of installations and structures, the establishment of safety zones around them, as well as the complete or partial removal of these installations and structures, shall be announced as decided by the Cabinet of Ministers of Ukraine.

Article 13

Marine scientific research

Marine scientific research in the exclusive (marine) economic zone of Ukraine may be conducted only with the

consent of the specially designated Ukrainian authorities in accordance with the legislation of Ukraine and with international treaties concluded by Ukraine.

Marine scientific research in the exclusive (marine) economic zone of Ukraine may be carried out by all States, regardless of their geographical location, by their juridical and natural persons and by international organizations, subject to compliance with the legislation of Ukraine.

In exercise of its jurisdiction, Ukraine shall have the right to regulate and authorize marine scientific research in its exclusive (marine) economic zone. The specially designated Ukrainian authorities shall grant their consent for marine scientific research in the exclusive (marine) economic zone of Ukraine on condition that this research is carried out exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of mankind and that it does not endanger the natural environment.

Ukraine may withhold its consent for marine scientific research to be carried out in its exclusive (marine) economic zone by other States, their juridical or natural persons, or international organizations if that research:

- (1) Is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;
- (3) Involves the construction, operation or use of artificial islands, installations and structures.

Foreign States, their juridical and natural persons, and competent international organizations which intend to conduct marine scientific research in the exclusive (marine) economic zone of Ukraine shall, not less than six months in advance of the expected starting date of the marine scientific research, provide the specially designated Ukrainian authorities with complete information about the nature and purpose of the research, the methodology and means to be employed, the precise geographic coordinates of the areas in which the research is to be carried out and other relevant data.

If the information provided is inaccurate, or the foreign State, its juridical or natural persons, or the competent international organization carrying out the research have outstanding obligations towards Ukraine stemming from previous marine scientific research, the specially designated Ukrainian authorities may withhold consent for such marine research.

Article 14 Conditions for the conduct of marine scientific research

Foreign States and their juridical and natural persons and international organizations which have received authorization from the competent Ukrainian authorities to conduct marine scientific research in the exclusive (marine) economic zone of Ukraine shall be obliged, when conducting such research, to comply with the following conditions:

- (1) To ensure the participation of representatives of Ukraine in the marine scientific research, especially on board scientific research vessels and other craft and on scientific research installations, and to provide the competent Ukrainian authorities, at their request, with preliminary reports and other materials and research results;
- (2) To provide for access by the specially designated Ukrainian authorities, at their request, to all data and samples derived from the marine scientific research and likewise to furnish them with materials which may be copied and samples which may be divided without detriment to their scientific value, and also to provide information

containing an assessment of such data, samples and test results, or to render assistance in their analysis and interpretation;

(3) Not to obstruct activity carried out in exercise of the sovereign rights and jurisdiction of Ukraine envisaged in articles 4, 7 and 8 of this Statute;

(4) To inform the specially designated Ukrainian authorities immediately of any major change in the research programme;

(5) Unless otherwise agreed, to remove the scientific research installations or equipment as quickly as possible once the research is completed.

Article 15

Prohibition (suspension) of marine scientific research

Marine scientific research in the exclusive (marine) economic zone which is conducted in violation of the provisions of articles 13 and 14 of this Statute may be temporarily prohibited (suspended) by the specially designated Ukrainian authorities. The decision to temporarily prohibit (suspend) research may be reversed by those authorities, and research may be resumed, as soon as the other State, its juridical and natural person or the international organization conducting the research eliminates the violation and provides guarantees that it will comply with the procedures set forth in this Law.

Marine scientific research in the exclusive (marine) economic zone of Ukraine which is conducted without the consent of the specially designated Ukrainian authorities, or with a departure from the provisions of article 13 of this Statute, or with a substantial departure from the original research plan, shall be liable to immediate termination.

Article 16

Prevention of pollution of the marine environment

The prevention of pollution of the marine environment resulting from activity in the exclusive (marine) economic zone shall be effected in accordance with the legislation of Ukraine and with international treaties concluded by Ukraine.

The specially designated Ukrainian authorities may, in the manner determined by the legislation of Ukraine, establish regulations for the prevention of pollution of the marine environment and for the safety of navigation, and enforce such regulations in areas with special natural characteristics, where pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance.

Article 17

Sphere of competence of the designated Ukrainian authorities in the prevention of pollution of the marine environment

Where there are clear grounds for believing that a vessel navigating in the exclusive (marine) economic zone has committed a violation of the legislation of Ukraine or of applicable international regulations for the prevention of pollution of the marine environment, the specially designated Ukrainian authorities may require the vessel to provide the information necessary to establish whether a violation has occurred, and may undertake an inspection of the vessel if it has refused to provide the necessary information or if the information is at variance with the evident factual situation.

When there is clear objective evidence that a vessel navigating in the exclusive (marine) economic zone of Ukraine has committed a violation of the legislation of Ukraine or of the applicable international regulations

mentioned in the first paragraph of this article through a discharge of polluting substances causing major damage or threat of major damage to the coastline or to interests of Ukraine relating to that coastline or to any resources of the exclusive (marine) economic zone, proceedings may be instituted in respect of this vessel in accordance with the legislation of Ukraine.

When a foreign vessel enters a Ukrainian port, the specially designated Ukrainian authorities may institute proceedings in respect of any violation of the laws of Ukraine or of norms of international law committed by the vessel in the exclusive (marine) economic zone of Ukraine.

If a collision of vessels, the stranding of a vessel or other maritime casualty occurring in the exclusive (marine) economic zone of Ukraine, or acts relating to such a casualty, may result in seriously harmful consequences for the coastline of Ukraine and related interests, including fishing, the specially designated authorities of Ukraine shall be entitled, pursuant to international law, to take the necessary measures to prevent pollution or the threat of pollution, taking into account the scale of the actual or threatened damage.

Article 18

Burial of wastes or other materials and objects

It is forbidden to bury wastes or other materials and objects within the limits of the exclusive (marine) economic zone of Ukraine.

Article 19

Right to pursue offenders

Where there is good reason to believe that a foreign ship has violated the provisions of this Law or other relevant legislative instruments of Ukraine and when it attempts to flee, the right to pursue the offender with a view to detaining the vessel and establishing the liability of the offender shall be exercised in the manner established by the Cabinet of Ministers of Ukraine. Such pursuit shall commence when the offending vessel or one of its boats is within the limits of the exclusive (marine) economic zone of Ukraine, after a signal to stop has been given, and shall cease as soon as the vessel enters the territorial waters of its own country or of a third State.

Article 20

Suppression of violations and detention of violators of the legislation pertaining to the exclusive (marine) economic zone of Ukraine

In response to the use of force and in certain exceptional cases, measures deemed necessary under the circumstances to suppress the violation and to detain the offenders shall be taken against vessels violating the legislation of Ukraine and of its exclusive (marine) economic zone, in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

In cases of arrest or detention of foreign vessels, the relevant competent authorities shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. Detained vessels and their crews shall be promptly released upon the posting of reasonable security.

Article 21

Liability for violations of the laws pertaining to the exclusive (marine) economic zone of Ukraine

Citizens of Ukraine, foreign nationals and stateless persons shall bear disciplinary, civil, administrative or criminal liability for violations of the laws pertaining to the exclusive (marine) economic zone of Ukraine in accordance with the legislation of Ukraine.

Juridical persons shall bear liability as established in articles 22 through 26 of this Law for violations of the laws pertaining to the exclusive (marine) economic zone of Ukraine.

The establishment of the liability of offenders in accordance with this Law shall not absolve them from their obligation, in accordance with the existing legislation of Ukraine, to compensate for damage caused by them to living and other resources in the exclusive (marine) economic zone of Ukraine.

Article 22
Unlawful fishing activity

Unlawful exploration or exploitation of the natural resources of the exclusive (marine) economic zone of Ukraine and the construction of artificial islands, installations and structures, as well as the establishment of safety zones around them without the consent of the specially designated Ukrainian authorities:

Shall be punishable by a fine of between 500 and 1,500 times the minimum monthly wage or by confiscation of the means and equipment used to commit the violation.

If the said violations have been repeated within a one-year period or have caused a casualty, destruction of a vessel, loss of property or significant pollution to the marine environment:

They shall be punishable by a fine of between 1,500 and 5,000 times the minimum monthly wage, and may be accompanied by confiscation of the means and equipment used to commit the violation.

Article 23
Violation of the regulations for the safe operation of structures

Failure to provide installations and other structures in the exclusive (marine) economic zone of Ukraine with permanent means for giving warning of their presence and a violation of the regulations pertaining to the maintenance of those means in good working order or of regulations pertaining to the removal of structures which have ceased to operate:

Shall be punishable by a fine of between 300 and 1,000 times the minimum monthly wage.

If the said violations have been repeated within a one-year period or have caused a casualty or the destruction of a vessel:

They shall be punishable by a fine of between 1,500 and 5,000 times the minimum monthly wage.

Article 24
Unlawful exploitation of natural resources

The unlawful extraction of natural resources from within the limits of the exclusive (marine) economic zone:

Shall be punishable by a fine of between 500 and 1,500 times the minimum monthly wage or by confiscation of the means and equipment used to commit the violation and the seizure without compensation of the unlawfully extracted resources.

If the said violations have been repeated within a one-year period or if they are extensive, or have caused considerable deterioration to the reproductive conditions of fish or of other living resources of the sea:

They shall be punishable by a fine of between 1,500 and 7,500 times the minimum monthly wage and by

seizure without compensation of the unlawfully extracted resources, and may be accompanied by confiscation of the means and equipment used to commit the violation.

Article 25
Unlawful marine scientific research

The unlawful conduct of marine scientific research in the exclusive (marine) economic zone of Ukraine:

Shall be punishable by a fine of between 100 and 500 times the minimum monthly wage.

If the said violations have been repeated within a one-year period or have caused damage to the State interests of Ukraine:

They shall be punishable by a fine of between 1,500 and 3,000 times the minimum monthly wage.

Article 26
Unlawful pollution of the marine environment

The unlawful pollution by any method of the marine environment of the exclusive (marine) economic zone of Ukraine resulting from the discharge of substances harmful to human health or to the living resources of the sea, or of other wastes, materials and objects which may cause damage or obstruct other lawful forms of utilization of the sea, as well as any other violation of the regulations protecting against pollution of the marine environment:

Shall be punishable by a fine of between 750 and 1,500 times the minimum monthly wage or by confiscation of the sea-going vessel, aircraft or structure that caused the pollution.

If the said violations have been repeated within a one-year period or have caused harm to human health, to the living resources of the sea, or to recreational areas, or have prevented other lawful forms of utilization of the sea:

They shall be punishable by a fine of between 1,500 and 7,500 times the minimum monthly wage, and may be accompanied by confiscation of the vessel, aircraft or structure that caused the pollution.

Article 27
Bodies and officials authorized to impose sanctions

The right to impose the fines provided for in this Law shall be conferred:

For the violations provided for in the first paragraph of article 22, article 23 and the first paragraph of article 26, on the head of the relevant regional office of the Ministry of Environmental Protection and Nuclear Safety of Ukraine;

For the violations provided for in the first paragraph of article 24, on the protection bodies of the Ministry of Fisheries of Ukraine, represented by the head of the relevant basin office for the protection and reproduction of fishery resources and regulation of fishing;

For the violations provided for in the first paragraph of article 25, on the commander (master) of the vessel of the Border Forces of Ukraine which discovered the violation and detained the offender.

If the offender is detained at a location situated at a distance from the coastline, and has voluntarily agreed to pay the fine promptly, fines for the violations covered by the first paragraphs of articles 22, 24 and 26 and by article 23 shall be imposed by the commander (master) of the vessel of the Border Forces of Ukraine which discovered the violation and detained the offender.

The district (municipal) courts of the location where the offender was detained shall have the right to impose the fines provided for under the second paragraphs of articles 22, 24 and 26 and to effect confiscation as provided for in articles 22, 24 and 26 of this Law.

The decision to seize extracted resources without compensation shall be made by the body which is authorized to impose fines for the corresponding violation.

Article 28

Procedure and time limits for establishing liability

Officials of the Border Forces of Ukraine shall draw up an official report establishing that a violation has been committed, which together with the other documents pertaining to the case shall be sent, within three days of the date on which the violation was committed, to the body that is authorized to impose penalties. When confiscation is deemed appropriate, the above-mentioned documents shall be sent for consideration to the district (municipal) court of the location where the offender was detained.

Bodies authorized to impose penalties shall adopt decisions regarding the imposition of penalties within five days of receiving the documents mentioned in the first paragraph of this article. The decision shall be issued in the form of an official ruling of the relevant body or authorities.

In the cases provided for in the second paragraph of article 27, the imposition and levying of fines may occur directly at the location of the violation.

Legal proceedings in cases involving the violations provided for in this Law shall be conducted in the presence of representatives of the offender and the bodies responsible for protecting the exclusive (marine) economic zone of Ukraine.

Article 29

Appeal of decisions to impose penalties

Decisions to impose penalties adopted by the authorities mentioned in the first and second paragraphs of article 27 may be appealed, within 10 days following receipt of the ruling by the offender, at the district (municipal) court of the location of the authority concerned.

Decisions to impose fines and confiscate property that have been adopted by the relevant district (municipal) court may be appealed within 10 days following their public notification in the appropriate regional court and the municipal courts of Kyiv and Sevastopol.

Article 30

Execution of decisions establishing liability

Payment of fines that have been imposed in accordance with articles 22 to 26 of this Law shall be made in the currency that is in circulation in the territory of Ukraine.

Foreign legal entities shall pay fines in freely convertible currency calculated at the rate of exchange of the National Bank of Ukraine on the date of the violation.

Payment of fines by the offender shall take place on a voluntary basis within one month following the date of the violation, and in the case of an appeal, within one month following the date of the court's decision to deny the appeal.

If a fine is not paid within the time limit established under the third paragraph of this article, it shall be levied by the court in accordance with the procedures established under the existing legislation of Ukraine regarding the execution of judicial rulings that have entered into force.

If a fine is not paid within the time limit established for foreign juridical persons, the district (municipal) court may, upon notification by the relevant body responsible for protecting the exclusive (marine) economic zone, rule to impose in place of a fine the confiscation, in full or in part, of property that has been held or taken for safe keeping or of the financial resources of the juridical person that committed the offence.

The confiscation of property provided for in this Law shall be effected in accordance with the procedure established under existing legislation.

Article 31

Protection of the sovereign rights of Ukraine in the exclusive (marine) economic zone

The protection of the sovereign rights of Ukraine in the exclusive (marine) economic zone and verification that the rights and obligations of other States, and of Ukrainian and foreign legal entities and natural persons and international organizations in that zone are being fulfilled shall be carried out by the Border Forces of Ukraine, the bodies responsible for the protection of fisheries of the Ministry of Fisheries and the bodies of the Ministry of Environmental Protection and Nuclear Safety of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine, taking into account the interests of other States in accordance with the norms of international law.

Article 32

International treaties

If the 1982 United Nations Convention on the Law of the Sea or an international treaty concluded by Ukraine has established norms other than those contained in this Statute, then the norms of the Convention or of the relevant treaty shall apply.