

Republic of Latvia

Cabinet  
Regulation No. 363  
Adopted 14 June 2016

## **Procedures for Controlling, Inspecting and Detaining Ships in Latvian Waters**

*Issued pursuant to  
Section 44, Paragraph two of the Maritime Administration and Marine Safety Law*

1. This Regulation prescribes the procedures by which ships are controlled, inspected and detained in Latvian waters.
2. This Regulation prescribes the procedures by which controlling, inspecting and detaining of ships are ensured in the territorial sea of Latvia. The controlling, inspecting and detaining of ships within the exclusive economic zone of Latvia shall be performed in accordance with the 1982 United Nations Convention on the Law of the Sea.
3. The National Armed Forces Naval flotilla units that carry out coast guard functions (hereinafter – the Coast Guard) shall control ships by taking the following measures:
  - 3.1. carry out an inquiry of a ship on reasons for and the purpose of entering Latvian waters by using the communication facilities;
  - 3.2. carry out traffic monitoring of a ship by using the technical means;
  - 3.3. carry out visual monitoring of the ship movement.
4. The Coast Guard is entitled to request a ship en route to change its course in case it is heading in the direction of areas that are dangerous or prohibited for navigation and also to request that a ship which is situated in an area that is dangerous or prohibited for navigation leaves such place immediately.
5. The Coast Guard is entitled to request a ship to fly a flag attesting affiliation to a state while situated in Latvian waters outside the port area.
6. The Coast Guard shall carry out the inspection of ships if:
  - 6.1. there are grounds to believe that the ship has breached the laws and regulations governing the use of Latvian waters or provisions of the international law binding to Latvia;
  - 6.2. there are grounds to believe that manoeuvres of the ship jeopardise maritime safety;
  - 6.3. information has been received that the ship is illegally transporting firearms, explosives, illegal immigrants or is involved in other criminal offences;
  - 6.4. the ship does not provide information to the Coast Guard, the provided information is incomplete or there are grounds to suspect that false information has been provided;
  - 6.5. there is a threat of terrorism;
  - 6.6. there are reasonable grounds to suspect that pollution of the marine environment has occurred.

7. The inspection of a ship shall include the following:
  - 7.1. inspection of ship navigation, technical and communications documentation;
  - 7.2. inspection of the crew list;
  - 7.3. inspection of documents attesting the qualification of crew members;
  - 7.4. inspection of travel documents and personal identity documents of persons on board;
  - 7.5. inspection of cargo documents;
  - 7.6. inspection of fishing documents;
  - 7.7. inspection of all premises of the ship;
  - 7.8. inspection of seafarers to make sure they have not breached the restrictions laid down in the laws and regulations in relation to the use of alcohol or to make sure they have not been using narcotic, psychotropic or toxic substances on board while being in Latvian waters.
8. If any breaches are discovered during the inspection of a ship, the official of the Coast Guard is entitled to ask for clarification in written form from the crew members of the ship and to register the breaches.
9. The official of the Coast Guard who has taken a decision on the inspection of a ship shall draw up a protocol on the inspection of the ship in the presence of the master of the ship on the basis of the reason referred to in Paragraph 6 of this Regulation or a request of another competent authority or official (Annex 1). The protocol on the inspection of the ship shall be drawn up in two duplicates in the Latvian language. One copy of the protocol on the inspection of the ship shall be handed over to the master of the ship. If the master of the ship does not understand the content of the decision, it shall be explained to him or her in English.
10. The Coast Guard shall inform the competent authority or official on results of the inspection.
11. The Coast Guard shall have the right to detain a ship if it performs the following actions:
  - 11.1. threatens to use force or uses force against the sovereignty, territorial unity or political independence of the Republic of Latvia or breaches the provisions of the international law in any other way;
  - 11.2. makes manoeuvres or performs training with any kind of weapons;
  - 11.3. performs activities related to collecting information harmful to the security or defence of the Republic of Latvia;
  - 11.4. commits propaganda deeds against the security or defence of the Republic of Latvia;
  - 11.5. launches an aircraft or military equipment or ensures descending or acceptance on open deck;
  - 11.6. performs loading or unloading of such goods or other valuables and also goods which are prohibited from commercial circulation, embarks or disembarks persons that is in conflict with the laws and regulations of Latvia in the field of customs, finance, immigration or sanitary control;
  - 11.7. pollutes the marine environment;
  - 11.8. fishes without taking into account the prohibitions laid down in the laws and regulations of Latvia and inter-state agreements;
  - 11.9. performs scientific or geological research without a proper permit;
  - 11.10. performs activities which are aimed at disrupting the functioning of the Latvian communication system and other devices or equipment;
  - 11.11. fails to comply with the requirements laid down in the laws and regulations governing the navigation regime;

- 11.12. damages submarine cables or pipelines within Latvian waters;
- 11.13. uses a ship which poses a threat to the safety of navigation.

12. The competent authorities referred to in Section 4, Paragraph two of the Maritime Administration and Marine Safety Law (hereinafter – the competent authorities) may submit a request to detain a ship (hereinafter – the request) to the National Armed Forces Naval flotilla Coast Guard Service, specifying the reason and grounds for detention referred to in Paragraph 11 of this Regulation. If the request has been submitted using the electronic communication facilities (in a scanned format from an official e-mail of the competent authority), the competent authority shall submit a written request within three working days.

13. If a ship is detained, the official of the Coast Guard or official of the competent authority who submitted the request shall draw up a detention protocol of the ship (Annex 2) in the presence of the master of the ship. The master of the detained ship shall present ship and cargo (or fishing) documents to the Coast Guard the copies which may be appended to the detention protocol of the ship (hereinafter – the protocol), making a relevant note in the protocol. The protocol shall be drawn up in two duplicates in the Latvian language. One copy of the protocol shall be handed over to the master of the ship. If the master of the ship does not understand the content of the decision, it shall be explained to him or her in English.

14. The detained ship shall be convoyed by the Coast Guard to the port of Latvia or a location specified by the competent authority or official (at a port, an anchorage area or a place of refuge). The protocol shall be handed over to the authority which is competent to carry out further examination of the breach.

15. The Coast Guard is entitled to detain a ship in Latvian waters until the moment the authority which is competent to examine the breach has taken a decision or a court judgment on arrest of the ship has been delivered.

16. Weapons on the ships of the Coast Guard may be used in case of ultimate necessity if the suspected ship intentionally refuses to collaborate with the Coast Guard, ignores the lawful requirements thereof, interferes in the inspection or attempts to prevent it. If after evaluating the situation the commanding officer of the ship of the Coast Guard discovers that the suspected ship breaches the right of innocent passage, he or she shall take a decision on using ship weapons in the following cases:

16.1. it is necessary for self-defence or to repulse an armed attack to the ships or any other vessels of the Republic of Latvia and also foreign ships or other vessels located in Latvian waters;

16.2. information that the ship or persons on board might pose a threat to the life of humans or security of the State has been received from the State security institutions or law enforcement authorities of the Republic of Latvia;

16.3. it is necessary to stop the acts of violence against the coastline, submarine objects and drifting objects on the sea surface of the Republic of Latvia;

16.4. it is necessary to detain violators who are situated in Latvian waters illegally and who show resistance against lawful requirements to stop;

16.5. the ship is arbitrarily approaching a prohibited area, ignoring the request to change the navigation route or to stop, or the ship which is located in an area that is dangerous or prohibited for navigation ignores the request to leave such place immediately;

16.6. it is necessary to stop illegal loading and unloading of a cargo, reception or putting ashore of people and there is no other way to stop this activity;

16.7. it is necessary to prevent intentional attempts to pose a threat to the safety of navigation and to cause a collision of ships due to dangerous ship manoeuvres.

17. Prior to the use of ship weapons, in situations referred to in Paragraph 16 of this Regulation the commanding officer of the ship of the Coast Guard shall:

17.1. take a decision on forced detention of the suspected ship, directing stationary Coast Guard ship weapons towards the suspected ship, warning thereon the master or crew of the suspected ship by using the international code signals and communication facilities;

17.2. take a decision on firing a warning shot towards the mast of the suspected ship if actions referred to in Sub-paragraph 17.1 of this Regulation have not resulted in a positive outcome or performance thereof is not reasonable. Prior to firing the warning shot, the crew and passengers of the suspected ship are requested (by using ultra-short-wave radio communications) to leave the upper deck giving a chance to do it;

17.3. if the warning shot referred to in Sub-paragraph 17.2 of this Regulation has not resulted in a positive outcome, take a decision to target and fire a shot (prior to targeting and firing the shot, the suspected ship is warned thereon using the international code signals and communications facilities):

17.3.1. which does not cause significant damage to the ship. Firing towards the ship masts or other structures the damaging of which do not pose a threat to the buoyancy of the ship and safety of navigation, shall be regarded as such shot;

17.3.2. which causes significant damage to the ship.

18. All activities referred to in Paragraph 17 of this Regulation shall be registered in the Coast Guard ship navigation-watch journal, whereas the transmissions of radio communications shall be recorded in the journals of received and dispatched radiograms. The Coast Guard shall make and audio recording of the very high frequency radio communications channel in compliance with technical capacities.

19. Ship weapons shall not be used if other ships, coastline infrastructure or persons might suffer from such shots or if the territory of the neighbouring countries is affected.

20. The commanding officer of the ship of the Coast Guard shall be responsible for the use of weapons in situations referred to in Paragraphs 16 and 17 of this Regulation.

21. Cabinet Regulation No. 508 of 1 June 2004, Procedures for Controlling, Inspecting and Detaining Ships in Latvian Waters (*Latvijas Vēstnesis*, 2004, No. 90; 2006, No. 170; 2013, No. 153), is repealed.

Prime Minister

Māris Kučinskis

Acting for the Minister for Defence –  
Minister for Transport, Acting Minister for Health

Uldis Augulis

<b>Kuġa pārbaudes protokols</b> <b>Record on Inspection of Ship</b>		<b>Nr.</b> <b>No.</b>
20 __. GADA ____ . _____ (DATE) PLKST. (HRS.) __ __ . __ __		
SASTĀDĪŠANAS VIETA/ AT _____ - _____ (ziemeļu platums (Northern latitude))–(austrumu garums (Eastern longitude))		
<b>AMATPERSONA</b>  <b>OFFICER</b>	PAKĀPE, VĀRDS, UZVĀRDS RANK, NAME, SURNAME	
	AMATS, VIENĪBA POSITION OF THE OFFICIAL, UNIT	
	KUĢA APSKATI VEICU SAKARĀ AR SHIP'S INSPECTION IN ACCORDANCE WITH	
<b>KUĢA KAPTEIŅA</b>  <b>MASTER OF SHIP</b>	VĀRDS, UZVĀRDS NAME, SURNAME	
	PERSONAS KODS (DZIMŠANAS DATUMS) PERSONAL IDENTITY NUMBER (DATE OF BIRTH)	
	DZĪVESVIETA PLACE OF RESIDENCE	
<b>KUĢA</b>  <b>SHIP</b>	VĀRDS NAME OF SHIP	
	REĢISTRĀCIJAS NUMURS (IMO REĢISTRĀCIJAS NUMURS VAI CITS REĢISTRĀCIJAS NUMURS) REGISTRATION NUMBER (IMO REGISTRATION NUMBER OR OTHER REGISTRATION NUMBER)	
	ĪPAŠNIEKS OWNER	
	KAROĢA VALSTS FLAG STATE	
<b>PĀRBAUDES LAIKĀ</b>	<b>KUĢA PĀRBAUDE TIEK VEIKTA KUĢA KAPTEIŅA KLĀTBŪTNĒ</b>	

<b>KONSTATĒTIE FAKTI</b>  <b>FINDINGS DURING THE INSPECTION</b>	<b>SHIP INSPECTION PERFORMED IN THE PRESENCE OF THE MASTER OF SHIP</b>
	<b>VAJADŽĪGO PASVĪTROT/UNDERLINE AS APPROPRIATE</b>
	<b>PĀRBAUDES VEIKŠANAS LAIKS, VIETA, KUĢA VĀRDS, TIPS, REĢISTRĀCIJAS NUMURS (IMO REĢISTRĀCIJAS NUMURS VAI CITS REĢISTRĀCIJAS NUMURS), KAROGA VALSTS/INSPECTION TIME, PLACE, NAME OF SHIP, TYPE, REGISTRATION NUMBER (IMO REGISTRATION NUMBER OR OTHER REGISTRATION NUMBER), FLAG STATE</b>
	<b>PĀRBAUDĒ KONSTATĒTIE FAKTI/INSPECTION FACTS</b>
<b>PROTOKOLAM PIEVIENOTS: NAV/IR _ ZIŅOJUMS, PASKAIDROJUMS, DOKUMENTI U. C.</b>	
<b>APPENDED TO REPORT: NO/YES REPORT, EXPLANATION, DOCUMENTS ETC.</b>	
<b>AR PROTOKOLA SATURU ESMU IEPAZĪSTINĀTS(-A). IESNIEDZU PASKAIDROJUMU PAR PĀRKĀPUMU UZ __ LAPAS(-ĀM).</b>	
<b>I HAVE ACQUAINTED WITH THE CONTENT OF THE REPORT. I SUBMITTED EXPLANATION REGARDING THE VIOLATION ON __ PAGES</b>	
<b>PARAKSTS/SIGNATURE</b>	
<b>KUĢA PĀRBAUDES PROTOKOLA EKSEMPLĀRU SAŅĒMU</b>	
<b>RECORD ON INSPECTION OF SHIP RECEIVED</b>	
<b>PARAKSTS/SIGNATURE</b>	
<b>LIECINIEKI/CIETUŠIE</b>	<b>VĀRDS, UZVĀRDS/NAME, SURNAME PARAKSTS/SIGNATURE</b>
<b>WITNESSES/INJURED</b>	
<b>VAJADŽĪGO PASVĪTROT/  UNDERLINE AS APPROPRIATE</b>	<b>VĀRDS, UZVĀRDS/NAME, SURNAME PARAKSTS/SIGNATURE</b>
<b>AMATPERSONA /OFFICER VĀRDS, UZVĀRDS/NAME,</b>	

SURNAME

PARAKSTS/SIGNATURE

Acting for the Minister for Defence –  
Minister for Transport, Acting Minister for Health

Uldis Augulis

<b>Kuġa aizardurēšanas protokols</b> <b>Record on Detention of Ship</b>	<b>Nr.</b> <b>No.</b>
20 __. GADA ____ . _____ (DATE) PLKST. (HRS.) __ __ . __ __	
SASTĀDĪŠANAS VIETA/AT _____ _____	
(ziemeļu platums (Northern latitude))–(austrumu garums (Eastern longitude))	
<b>AMATPERSONA</b>  <b>OFFICER</b>	PAKĀPE, VĀRDS, UZVĀRDS  RANK, NAME, SURNAME
	AMATS, VIENĪBA  POSITION OF OFFICIAL, UNIT
	KUĢA AIZTURĒŠANU VEICU, PAMATOJOTIES UZ  DETENTION OF SHIP BASED ON:
<b>KUĢA KAPTEIŅA</b>  <b>MASTER OF SHIP</b>	VĀRDS, UZVĀRDS  NAME, SURNAME
	PERSONAS KODS (DZIMŠANAS DATUMS)  PERSONAL IDENTITY NUMBER (DATE OF BIRTH)
	DZĪVESVIETA  PLACE OF RESIDENCE
	PILSONĪBA  CITIZENSHIP
<b>KUĢA</b>  <b>SHIP</b>	VĀRDS NAME OF SHIP
	REĢISTRĀCIJAS NUMURS (IMO REĢISTRĀCIJAS NUMURS VAI CITS REĢISTRA NUMURS)  REGISTRATION NUMBER (IMO REGISTRATION NUMBER OR OTHER REGISTER NUMBER)
	ĪPAŠNIEKS  OWNER
	KAROGA VALSTS  FLAG STATE



	KRAVA DAUDZUMS UN VEIDS CARGO quantity and type	
	APKALPES LOCEKĻU SKAITS, AMATS , VĀRDS, UZVĀRDS, PILSONĪBA NUMBER OF CREW, POSITION, NAME, SURNAME, CITIZENSHIP	
	PASAŽIERU SKAITS NUMBER OF PASSENGERS	
	NAFTAS PRODUKTI DAUDZUMS UN VEIDS OIL quantity and type	
<b>PIEZĪMES</b>		
<b>NOTES</b>		
	PROTOKOLAM PIEVIENOTS: NAV /IR _ ZIŅOJUMS, PASKAIDROJUMS, DOKUMENTI U. C.  APPENDED TO REPORT: NO/YES REPORT, EXPLANATION, DOCUMENTS ETC.	
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	<b>KUĢA AIZTURĒŠANAS PROTOKOLA EKSEMPLĀRU SAŅĒMU RECORD ON DETENTION OF SHIP RECEIVED</b> PARAKSTS/SIGNATURE	
<b>LIECINIEKI</b>	VĀRDS, UZVĀRDS/NAME, SURNAME	PARAKSTS/SIGNATURE
<b>WITNESSES</b>	VĀRDS, UZVĀRDS/NAME, SURNAME	PARAKSTS/SIGNATURE
<b>AMATPERSONA /OFFICER</b>	VĀRDS, UZVĀRDS/NAME, SURNAME	PARAKSTS/SIGNATURE

Acting for the Minister for Defence –

Minister for Transport, Acting Minister for Health

Uldis Augulis