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28 October 2004 [shall come into force from 26 November 2004];  
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16 June 2016 [shall come into force from 23 June 2016];  
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4 October 2018 [shall come into force from 30 October 2018];  
14 February 2019 [shall come into force from 13 March 2019].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## **Maritime Administration and Marine Safety Law**

### **Division A General Provisions**

#### **Section 1. Purpose of This Law**

The purpose of this Law is to prescribe the State administration institutional system for maritime matters and to ensure the implementation of and compliance with the requirements of treaties and standards, adopted in the field of maritime safety and security, binding on Latvia in order to ensure safety of navigation and ships and security of ports and port facilities, to prevent environmental pollution from ships and to make maritime traffic more efficient.

*[16 June 2011]*

#### **Section 2. Application of the Law**

(1) Unless otherwise provided for therein this Law shall be applied to all vessels registered in the Latvian Ship Register (hereinafter – the Ship Register) irrespective of their location, foreign flag ships, located in waters under the jurisdiction of the Republic of Latvia (hereinafter – the Latvian waters), ports and port facilities, and all natural and legal persons, as well as other legal subjects associated with maritime safety that must be guaranteed in conformity with requirements of international agreements and includes the safety of personnel, cargo, navigation and ships.

<sup>1</sup> The Parliament of the Republic of Latvia

(2) This Law shall not apply to the ships of the National Armed Forces and personnel thereof, unless otherwise provided for in this Law, as well as to the warships of other states and personnel thereof.

(3) Section 26, Paragraph four, Sections 42, 43 and 48.1 of this Law shall be applied to vessels registered in the Register of *valsts akciju sabiedrība "Ceļu satiksmes drošības direkcija"* [the State stock company Road Traffic Safety Directorate].  
[28 October 2004; 16 June 2011; 30 April 2015]

### **Section 3. Norms of International Law**

If the norms of international law, which are binding on Latvia provide for other provisions than those included in this Law, the norms of international law shall apply.

## **Division B Maritime Administration**

### **Section 4. Institutions of Maritime Administration**

(1) The Ministry of Transport shall perform the general State administration in maritime matters. The functions provided for in Section 6 of this Law shall be performed by the *valsts akciju sabiedrība "Latvijas Jūras administrācija"* [the State stock company Maritime Administration of Latvia] (hereinafter – the Maritime Administration of Latvia).

(2) Individual functions of maritime matters in accordance with their competence shall be performed by the National Armed Forces Naval units that carry out coast guard functions (hereinafter – the Coast Guard), the State Environmental Service, the Transport Accident and Incident Investigation Bureau, the Security Police, the State Border Guard and port authorities.

[30 October 2003; 28 October 2004; 10 November 2005; 10 May 2007; 16 June 2011; 4 October 2018]

### **Section 5. Competence of the Ministry of Transport**

The Ministry of Transport in conformity with its competence in maritime matters shall:

- 1) implement the State policy and development strategy;
- 2) ensure the drafting of laws and regulations in conformity with the legislative acts of the International Maritime Organization, Helsinki Commission, International Labour Organization and other international organizations, as well as the European Union;
- 3) represent the State in the International Maritime Organization, International Hydrographic Organization, institutions of the European Union and other institutions, and participate in the work of the Helsinki Commission regarding matters related to maritime safety;
  - 3<sup>1</sup>) not less than once in seven years shall ensure the conduct of such audit by the International Maritime Organization in Latvia, to the performance of which the International Maritime Organization has agreed, as well as shall ensure publishing of general access information of the audit results;
- 4) ensure compliance with treaties binding on Latvia and other norms of international law;
- 5) provide supervision and control of the implementation of the functions transferred to the Maritime Administration of Latvia;
- 6) in cases provided for in this Law determine the procedures for using Latvian waters;

6<sup>1</sup>) perform the functions of the manager of the International Freight Logistics and Port Information System (SKLOIS). The Ministry of Transport shall enter into the delegation contract with the Maritime Administration of Latvia regarding the performance of the functions of the keeper of the International Freight Logistics and Port Information System (SKLOIS);

7) issue and cancel a conformity certificate to seafarers professional training programmes;

8) [16 June 2011];

9) [22 October 2009];

10) [15 June 2006];

11) [28 October 2004];

12) [16 June 2011];

12<sup>1</sup>) approve the list of seafarer professional competence evaluators and port assessment commissions;

12<sup>2</sup>) [16 June 2011];

13) develop and co-ordinate international relations;

14) perform other functions related to safety at sea.

*[30 October 2003; 28 October 2004; 15 June 2006; 10 May 2007; 19 June 2008; 22 October 2009; 16 June 2011; 4 October 2018 / Clause 6.<sup>1</sup> shall come into force on 1 January 2019. See Paragraph 41 of Transitional Provisions]*

## **Section 6. Competence of the Maritime Administration of Latvia**

(1) The Maritime Administration of Latvia shall:

1) perform registration of ships and ship mortgages, and issue documents related thereto;

2) maintain databases of the Ship Register;

3) monitor the conformity of ships included in the Ship Register to safety and environmental protection requirements, including:

a) perform inspections of ships,

b) issue certificates for ships,

c) approve shipbuilding and modernisation projects, documentation regarding stability of a ship, pollution contingency plan in case of an accident, ship's manuals and other documentation of the ship, as well as issue and register ship's logbooks,

d) control implementation of the requirements specified in the International Management Code for the Safe Operation of Ships and for Pollution Prevention (hereinafter – the ISM Code) on ships included in the Ship Register;

e) issue a permit for trials of emission reduction technologies for ships included in the Ship Register;

4) perform tonnage measurement of ships included in the Ship Register and issue documents attesting the tonnage;

5) supervise operation of classification societies (recognised organizations);

6) issue conformity certificates to merchants who perform inspections of ship safety equipment;

7) issue conformity certificate to merchants which perform the building, designing, modernisation or repair of ships;

71) assign the unique code of the manufacturer to a natural or legal person, which manufactures recreational crafts or personal watercrafts in Latvia;

8) perform port State control;

9) supervise meeting the requirements of safe loading of bulk cargo ships on board the ships and terminals, as well as perform conformity inspections of bulk cargo terminals;

- 10) control handling of dangerous and polluting cargoes in ports within the ship-to-shore interface;
- 11) control how the procedures for reporting on dangerous and polluting ship cargoes are complied with in Latvian waters;
- 12) control how the procedures for reporting on passengers on board the ships are complied with in Latvian waters;
- 12<sup>1</sup>) in accordance with the delegation contract entered into in conformity with Section 5, Clause 6.<sup>1</sup> of this Law, perform the functions of the keeper of the International Freight Logistics and Port Information System (*SKLOIS*), including ensure its compatibility with the European Union Maritime Information and Exchange System (hereinafter – the *SafeSeaNet* system);
- 13) in co-operation with the Coast Guard, co-ordinate the development and use of the Automatic Identification System (AIS);
- 13<sup>1</sup>) in co-operation with the Coast Guard, ensure the operation of the Long-range Identification and Tracking (LRIT) System;
- 14) supervise the establishment and operation of lighthouses, buoys and other aids to navigation necessary for maritime safety (hereinafter – aids to navigation), and also system thereof in Latvian waters;
- 15) control and carry out depth surveys, as well as hydrographic surveys and research in Latvian waters;
- 15<sup>1</sup>) in conformity with the laws and regulations regarding the geospatial information acquire, compile and maintain geospatial data and basic data on Latvian waters (sea and ports) (hereinafter – the marine geospatial information);
- 16) organise the preparation, printing and distribution of navigation publications;
- 17) publish and distribute navigation warnings and notices, as well as carry out the duties of a national co-ordinator for analysis and notification of maritime safety information;
- 18) co-ordinate ship to ship cargo operations in Latvian waters from the perspective of the maritime safety;
- 19) co-ordinate the raising of sunken property in Latvian waters from the perspective of the maritime safety;
- 20) co-ordinate the documentation of construction projects for port hydrotechnical, heat energy, gas and other separately non-classified engineering structures (including explanatory memorandum and construction project in a minimum composition) from the perspective of the maritime safety, if the construction is intended in a port territory, and provide opinion regarding readiness of the engineering structure for use, if it is located in a port territory;
- 20<sup>1</sup>) assess, in conformity with the Marine Environment Protection and Management Law and from the perspective of the maritime safety, the draft Cabinet Order drawn up by the responsible ministry regarding determination of a certain territory in the sea (permit or licence area in the sea) in order to arrange marine cable line of electronic communications, cable line of electronic networks, submarine electric transmission cable line and submarine pipeline, including gas pipeline, oil and oil product pipeline in the sea waters of Latvia;
- 20<sup>2</sup>) co-ordinate, from the perspective of the maritime safety, the construction of structures (artificial islands, structures and facilities, including platforms and facilities necessary for energy production) within internal waters of Latvia, territorial sea and exclusive economic zone as it is laid down in conformity with the Marine Environment Protection and Management Law and the Construction Law;
- 21) co-ordinate port regulations from the maritime safety aspect and ship, ports and port facility security and control compliance therewith;
- 21<sup>1</sup>) control, from the perspective of the maritime safety, how the obligations laid down in the laws and regulations regarding safe operation and handling of containers in ports

and the requirements laid down in the laws and regulations regarding verified gross mass of containers are complied with;

21<sup>2)</sup> on the basis of the opinion on the environment risk provided by the Ministry of Environmental Protection and Regional Development in co-operation with the Latvian Institute of Aquatic Ecology, grant the exemptions referred to in Regulation A-4 of Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004;

22) co-ordinate and perform in co-operation with other competent authorities implementation and supervision of security requirements for ships, navigation companies, ports and port facilities;

23) certifies recognised security organizations and supervise operation thereof;

24) approve the conformity of training programmes for security personnel of ships, shipping companies, ports and port facilities with the security requirements of ships, shipping companies, ports and port facilities;

25) co-ordinate the conformity of professional training programmes and training courses of seafarers to international laws and regulations and supervise the implementation of such programmes;

26) organise the examinations of seafarer qualifications and issue professional qualification attesting documents for work on ships;

27) issue certificates to pilots, as well as supervise pilot training and qualification examinations;

28) issue certificates to operators of the vessel traffic services (VTS), as well as supervise training and qualification examinations of operators of the vessel traffic services (VTS);

29) maintain a seafarer certification database;

30) draw up, issue, exchange, seize, cancel and recognise as invalid seamen's books and perform the accounting thereof;

31) assess the conformity of professional qualification of seafarers, if a report has been received that a seafarer certified in Latvia fails to fulfil professional duties thereof;

32) issue certificates to seafarer professional training instructors and seafarer professional qualification evaluators, which certify their conformity to the requirements specified in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter – the STCW Convention);

33) issue a special permit (licence) to merchants, which provide recruitment and placement services in manning the ship's crew and supervise the conformity of such merchants to the requirements laid down in the STCW Convention, and International Labour Organization Conventions;

34) recognise medical practitioners who are entitled to provide an opinion regarding the medical fitness of seafarers for work on ships in conformity with the requirements laid down in the STCW Convention (hereinafter – the medical practitioner of seafarers);

35) participate in the work of the International Maritime Organization, Helsinki Commission, International Hydrographic Organization, International Labour Organization and other international organizations;

36) prepare proposals for the development of draft laws and regulations.

(1<sup>1)</sup> A person has an obligation to provide information including a reply to the request of the Maritime Administration of Latvia, within a time period indicated by the Maritime Administration of Latvia, on issues related to the ensuring of the competence of the Maritime Administration of Latvia laid down in Paragraph one of this Section.

(2) The Cabinet shall issue regulations in which a pricelist of paid services provided by the Maritime Administration of Latvia within the framework of State administration tasks and the procedures for the application thereof, as well as persons who are exempt from paying for the

paid services provided by the Maritime Administration of Latvia within the framework of State administration tasks are determined.

(3) In order to perform the functions referred to in Paragraph one of this Section, the Maritime Administration of Latvia shall ensure the operation of the Registry of Seamen, the Ship Register, the Maritime Safety Inspectorate, the Ship and Port Security Inspectorate and the Hydrographic Service.

(3<sup>1</sup>) The decision taken by the Maritime Administration of Latvia for the fulfilment of the functions referred to in Paragraph one of this Section may be contested and appealed in accordance with the following procedures:

1) the decisions of the Maritime Administration of Latvia, which are initially taken by structural units of the Maritime Administration of Latvia, may be contested to the director of the Maritime Administration of Latvia in accordance with the procedures laid down in the Administrative Procedure Law. Decisions of the Director of the Maritime Administration of Latvia may be appealed to a court;

2) the decisions of the Maritime Administration of Latvia, which are initially taken by the director of the Maritime Administration of Latvia, may be contested to the Ministry of Transport in accordance with the procedures laid down in the Administrative Procedure Law. Decisions of the Ministry of Transport may be appealed to the court.

(4) The decisions of the Maritime Administration of Latvia taken for the implementation of the functions referred to in Paragraph one of this Section regarding the conformity of ships with safety requirements which are taken during the process of the flag State supervision and port State control of ships, decisions to meet the security requirements of ships, ports and port facilities, decisions on the compliance with the requirements of maritime safety for passenger transport services and cargo operations, as well as decisions to suspend, cancel a qualification document of a seafarer or to recognise it as invalid and decisions to issue a permit for trials of emission reduction technologies or to refuse to issue such permit shall be enforced from the day of coming into effect thereof. Contesting and appeal of such decisions shall not suspend operation thereof.

*[30 October 2003; 28 October 2004; 10 November 2005; 15 June 2006; 10 May 2007; 19 June 2008; 11 December 2008; 22 October 2009; 17 June 2010; 16 June 2011; 29 March 2012; 30 April 2015; 16 June 2016; 4 October 2018; 14 February 2019 / Paragraph five shall be included in the wording of the Law on the day when the Law on Public Services comes into force. See Paragraph 35 of Transitional Provisions]*

## **Section 7. Competence of the Coast Guard**

(1) In conformity with their competence the Coast Guard shall control compliance with laws and regulations and norms of international law, which determine the procedures for using Latvian waters. For this purpose the Coast Guard shall perform the following functions:

1) in co-operation with the State Environmental Service, control environment protection and compliance with the laws and regulations governing fishery, and to detain ships in Latvian waters in accordance with Section 44 of this Law;

2) eliminate the consequences of ship accidents and disasters, consequences of the spillage of oil, dangerous and hazardous substances into the sea and to co-ordinate the work related to the elimination of such consequences in Latvian waters in compliance with the National Contingency Plan in respect of cases of pollution of oil, dangerous or harmful substances in the sea approved by the Cabinet, and the emergency action plans;

3) co-ordinate and perform marine search and rescue [Maritime Rescue Co-ordination Centre (hereinafter – the Co-ordination Centre (MRCC) activities] in the area of responsibility for search and rescue of the Republic of Latvia (hereinafter – the Latvian area of responsibility) in conformity with the 1979 International Convention on Maritime Search and Rescue (hereinafter – the SAR Convention), other laws and regulations and emergency action

plans, as well as perform assistance service functions (MAS functions) and grant a place of refuge for ships;

4) ensure the operation of the Global Maritime Distress and Safety System (hereinafter – the GMDSS) and the operation of the coastal communications network of the Automatic Identification System (AIS);

4<sup>1</sup>) perform the functions of the National Competent Authority within the framework of the Long-range Identification and Tracking (LRIT) System and in co-operation with the Maritime Administration of Latvia ensure its operation;

5) in co-operation with Maritime Administration of Latvia control compliance with the navigation regime;

6) [1 January 2019 / See Paragraph 41 of Transitional Provisions];

7) control the use of the national flag of Latvia on ships;

8) in accordance with the procedures laid down in the laws and regulations, control, if a seafarer, while being on a ship in Latvian waters (sea), has used alcohol, narcotic, psychotropic or toxic substances.

(1<sup>1</sup>) To ensure the operation of the GMDSS and the Automatic Identification System (AIS), the Coast Guard shall establish and maintain a communications network, transmitter, receiver and infrastructure network, a data centre, a computing system and coordination centre. The Coast Guard has the right to delegate the establishment and maintenance of the communications network, transmitter, receiver and infrastructure network, a data centre, a computing system and coordination centre to *valsts akciju sabiedrība “Latvijas Valsts radio un televīzijas centrs”* [the State stock company Latvian Radio and Television Centre] by entering into a delegation contract.

(2) The Cabinet shall determine the procedures for the use and regime of navigation in Latvian waters.

(3) The Cabinet shall determine the procedures for ensuring the operation of the ship security alert communication network.

*[30 October 2003; 28 October 2004; 10 November 2005; 15 June 2006; 11 December 2008; 22 October 2009; 16 June 2011; 13 June 2013; 30 April 2015; 4 October 2018 / The new wording of Paragraph one, Clause 4, Paragraph one, Clause 4.<sup>1</sup> and the amendment regarding the deletion of Paragraph one, Clause 6 shall come into force on 1 January 2019. See Paragraph 41 of Transitional Provisions]*

## **Section 8. Competence of the State Environmental Service**

(1) The State Environmental Service in accordance with its competence shall control the compliance with laws and regulations and the norms of international law governing the protection of the marine environment. For this purpose the State Environmental Service shall perform the following functions:

1) control the environmental protection in Latvian waters and port areas;

2) issue a special permit (licence) to commercial companies for the reception and disposal of ship waste in ports;

3) issue the technical regulations of hydro-technical constructions and co-ordinate projects in the field of environmental protection;

4) co-ordinate projects for dredging and disposal of dredged materials to be carried out in sea waters and ports, and issue permits for the performance of these works;

5) co-ordinate the implementation of the National Contingency Plan for response to pollution incidents of oil and hazardous or noxious substances at sea;

6) develop standard requirements for ports, berths and terminals in relation to oil spill contingency plans;

7) develop guidelines for the collection of oil products;

- 8) approve oil spill contingency plans for ports, berths and terminals and control the introduction and implementation thereof;
- 9) organise the investigation of environmental pollution incidents;
- 10) formulate recommendations for the final placement (disposal) of oil collected during the process of the elimination of the pollution;
- 11) participate in the work of the International Maritime Organization, Helsinki Commission and the 1992 International Fund for Compensation for Oil Pollution Damage regarding marine environment protection matters and co-ordinate implementation of the Helsinki Commission recommendations in respect of maritime matters;
- 12) compile data on marine environment pollution;
- 13) control the compliance with the laws and regulations governing fishery in Latvian waters and port areas;
- 14) control the use of natural resources in Latvian waters and port areas;
- 15) control the reception and management of ship generated waste in ports;
- 15<sup>1</sup>) control the reception and management of ships' ballast water sediments in ports and terminals;
- 16) co-ordinate port regulations in the field of environmental protection and control compliance with these regulations.

(2) The Cabinet may specify additional functions for the State Environmental Service.  
*[10 November 2005; 16 June 2011; 14 February 2019]*

### **Section 8.<sup>1</sup> Competence of Transport Accident and Incident Investigation Bureau**

(1) The Transport Accident and Incident Investigation Bureau shall carry out investigation of marine casualties and incidents in the field of maritime safety. The investigator of this Bureau, when he or she is performing the relevant investigational operations, shall require an identification card. The procedures for issuing and cancellation of a service identification card shall be determined and sample form thereof shall be approved by the Cabinet.

(2) The operation of the Transport Accident and Incident Investigation Bureau referred to in Paragraph one of this Section shall be financed from the resources of the Maritime Administration of Latvia which in accordance with the prices stipulated by the Cabinet have been acquired for the paid services provided within the framework of State administration tasks and other own revenues. On the first working day of each month the Maritime Administration of Latvia shall transfer one twelfth of the financing that is intended for the investigation of marine casualties in the budget approved by the Cabinet for the current year to the account of the Transport Accident and Incident Investigation Bureau in the Treasury.

(3) Investigators of the Transport Accident and Incident Investigation Bureau shall be insured against accidents that may occur during performance of service duties at the site of investigation of marine casualty or incident.

*[16 June 2011; 29 March 2012]*

### **Section 9. Competence of Port Authorities**

The competence of port authorities in the field of safety of navigation and environmental protection shall be determined by this Law, the Law on Ports and the regulations of the relevant port.



**Division C**  
**Marine Safety**

**Chapter I**  
**Ship Safety and Supervision of Ship Safety**

**Section 10. Procedures for Registering Ships**

The procedures for registering ships shall be laid down in the Maritime Code.

**Section 11. Safety Requirements for Ships**

(1) The safety requirements for ships and procedures for the supervision of ship safety taking into account the tonnage, length thereof, type of a ship, the year of construction and trading area shall be determined by this Law, and treaties binding on Latvia and further amendments thereof, including:

- 1) the 1966 International Convention on Load Lines and the 1988 protocol thereof;
- 2) the International Convention for the Safety of Life at Sea, 1974 (hereinafter – the SOLAS Convention) and the 1988 protocol thereof;
- 3) the International Convention for the Prevention of Pollution from Ships and the 1978 protocol thereof, 1973 (hereinafter – the MARPOL Convention);
- 4) the Convention On the Protection of the Marine Environment of the Baltic Sea Area, 1992 (hereinafter – the Helsinki Convention);
- 5) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter – the COLREG Convention);
- 6) the International Convention on Tonnage Measurement of Ships, 1969 (hereinafter – the TONNAGE Convention);
- 7) the International Labour Organization 1976 Merchant Shipping (Minimum Standards) Convention and the 1996 Protocol thereof;
- 8) the STCW Convention;
- 9) the International Health Organization 2005 International Health Regulations;
- 10) the 2001 International Convention on the Control of Harmful Anti-Fouling Systems on Ships;
- 11) the Maritime Labour Convention, 2006 (hereinafter – the MLC Convention);
- 12) the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (hereinafter – the STCW-F Convention);
- 13) the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

(2) In determining the application of ship safety requirements and procedures for ship safety supervision, the requirements of international regulatory enactments shall be taken into account as regards to:

- 1) the safety and standards of passenger ships;
- 2) the system of mandatory inspections in order to ensure safe operation of ships with horizontal and vertical cargo handling (hereinafter – the ro-ro ships) and high-speed passenger crafts;
- 3) safe administration of ro-ro passenger ships;
- 4) the organization of ship inspections and supervision, as well as the activities of the State administration;
- 5) the safety of ports and ships;
- 6) the registration of fishing vessels;
- 7) the work safety and health protection minimum requirements for work on ships;
- 8) the training, certification and watchkeeping of seafarers;

- 9) other issues related to safety of navigation, prevention of environmental pollution and training, qualification and certification of persons;
  - 10) the construction and machinery of the ship;
  - 11) the systems and equipment of ships;
  - 12) the fire safety of ships;
  - 13) the prevention of environmental pollution;
  - 14) the stability of ships including damage stability
  - 15) the maritime safety and emergency preparedness training for ships' crews;
  - 16) the application of ISM Code and the 2004 International Ship and Port Facility Security Code (hereinafter – the ISPS Code);
  - 17) the tonnage of the ships;
  - 18) the load line of ships;
  - 19) the loading, stowing and securing of the cargo on ship, as well as ballast operations;
  - 20) the safety of passenger ships, ro-ro passenger ships and high-speed passenger crafts, as well as safety of passengers;
  - 21) the safety of ships, terminals and offshore platforms;
  - 22) the training, certification and qualification examinations of pilots and operators of the Vessel Traffic Service (VTS);
  - 23) nautical charts, documentation and informative materials of ships;
  - 24) the responsibility of a ship-owner for the compliance of the ship with safety norms;
  - 25) the maritime communication and network systems;
  - 26) the safety of ship's radio and navigation equipment;
  - 27) investigation of maritime casualties and incidents.
- (3) The Minister for Transport is entitled to specify the procedures for implementing the international regulatory enactments referred to in Paragraphs one and two of this Section.
- (4) The Cabinet may determine the application of safety and security requirements to ships to which, taking into account the tonnage, length thereof, type of the ship, the year constructed and navigation area, the requirements specified in the international regulatory enactments referred to in Paragraphs one and two of this Section do not apply.
- (5) The Cabinet may determine the procedures by which the requirements that are set by the Helsinki Convention in the field of prevention of environmental pollution for commercial companies, the activity of which is not connected to maritime transport, shall be fulfilled.
- (6) The Maritime Administration of Latvia or the authorised ship classification society thereof (recognised organization) shall certify the conformity to the international requirements for documentation of Latvian shipbuilding and modernisation projects and the equipment of ships. The building, modernisation and repair of ships shall be supervised by the Maritime Administration of Latvia or the authorised ship classification society thereof (recognised organization).
- (7) On Latvian ships there shall be documentation regarding the stability of a ship, calculations of the tonnage and load line, the shipboard oil pollution emergency plans, as well as the handbooks and other documents specified in international laws and regulations referred to in Paragraph one of this Section the conformity to the international requirements of which has been certified by the Maritime Administration of Latvia or the authorised ship classification society (recognised organization) thereof.
- (8) The Cabinet shall determine the procedures for tonnage measurement of ships and issue documents attesting tonnage.
- (9) The Cabinet shall issue regulations in which specific stability requirements for ro-ro passenger ships are determined.
- (10) The Cabinet shall issue regulations in which the requirements for use and maintenance of ship's radio and navigation equipment are determined.

(11) The Cabinet shall determine the procedure for assigning the unique code of the manufacturer to a natural or legal person, which manufactures recreational crafts or personal watercrafts in Latvia.

*[30 October 2003; 28 October 2004; 10 November 2005; 15 June 2006; 10 May 2007; 19 June 2008; 11 December 2008; 16 June 2001; 13 June 2013; 30 April 2015; 16 June 2016; 14 February 2019]*

## **Section 12. Flag State Supervision of Ships**

(1) Within the meaning of this Law flag State supervision of ships is the control regarding the conformity of ships to the requirements of laws and regulations including requirements specified in Section 11, Paragraphs one, two, three and four of this Law.

(2) The purpose of flag State supervision of ships is to ensure that the construction, technical condition, equipment and crew of Latvian ships guarantee the protection of human life and health, environment and cargo, as well as to prevent the operation of ships, which do not comply with international standards, for navigation purposes.

(3) In order to implement flag State supervision of ships the Cabinet shall issue regulations in which the procedures in relation to the following are determined:

- 1) inspections of ships and time periods thereof;
- 2) certificates of ships to be issued, suspension thereof or cancellation of certificates;
- 3) recognition of ships' certificates issued by foreign states;
- 4) ship's class inspections.

*[28 October 2004; 11 December 2008]*

## **Section 13. Inspections and Certificates of Ships**

(1) The Maritime Administration of Latvia or its authorised classification society (recognised organization) and recognised security organisation shall issue ship certificates specified in the international regulatory enactments to ships, which due to their tonnage, length, and type of the ship, construction year and navigation area require such certificates.

(2) A national ship certificate shall be issued to ships, which do not conform to the requirements of Paragraph one of this Section.

(3) *[30 October 2003]*

(4) The Maritime Administration of Latvia may perform the inspections of foreign ships and issue ship certificates thereto provided for in the relevant treaty, if it has been requested by a relevant ship-owner and approved by a competent maritime administration authority of the relevant flag State. Each certificate shall contain information that it has been issued upon request of the competent authority of the state in which the ship is registered.

*[30 October 2003; 28 October 2004]*

## **Section 14. Duty to Maintain Ships in Conformity with Safety Requirements**

(1) The owner and the master of a ship have a duty to maintain the hull, mechanisms, machinery and equipment of the ship, and to ensure that the cargo loading, stowage, securing on board and ballast operations are performed in compliance with safety requirements in conformity with the requirements of Sections 11, 12 and 13 of this Law.

(2) A Latvian ship-owner shall notify the Maritime Administration of Latvia regarding any changes made in the hull, mechanisms, machines and equipment of the ship that do not correspond to the information indicated in certificates issued to the ship, as well as regarding damage caused in the case of an accident of the ship and due to which the seaworthiness of the ship is not ensured.

(3) A ship-owner shall be held liable in accordance with the law for non-compliance with the requirements specified in Paragraphs one and two of this Section.  
*[30 October 2003]*

### **Section 15. Port State Control**

(1) Within the meaning of this Law, port State control is the control of foreign ships in ports of Latvia.

(2) The purpose of port State control is to prevent the operation of foreign ships, which do not comply with international standards, for navigation purposes.

(3) The Cabinet shall determine the procedures for port State control in compliance with the requirements of laws and regulations of the International Maritime Organization and other international organizations.

*[15 June 2006; 16 June 2011]*

### **Section 16. Equipment of Ships**

(1) Only such equipment may be used on Latvian ships, which is certified and complies with the requirements of maritime safety, human life and health protection, as well as environmental protection.

(2) For the performance of inspections of ship safety equipment, the Maritime Administration of Latvia shall issue conformity certificates according to the procedures specified by the Cabinet.

*[30 October 2003; 28 October 2004; 15 June 2006]*

### **Section 17. Ship and Port Control Inspectors**

(1) Flag State supervision and port State control shall be carried out by inspectors of the Maritime Administration of Latvia.

(1<sup>1</sup>) In order to perform flag State supervision and port State control, inspectors of the Maritime Administration of Latvia, by presenting their service identification card, have the right to enter the territory of Latvian ports and to visit merchants in the territory of the port.

(2) In performing duties of flag State supervision and port State control, the ship control inspectors have the right to detain a ship in the port or suspend the operation thereof in the port if non-compliance with the requirements of this Law and other laws and regulations has been determined.

(3) A ship control inspector shall revoke the decision to detain a ship or to suspend operations thereof in the port only after rectification of those deficiencies, which were the basis for detaining the ship in the port or suspending the operations thereof.

(4) The Cabinet shall determine the functions and rights of ship and port inspectors.

(5) In all cases where, in relation to flag State supervision and port State control of ships, the undue detention or delay of the ship is referred to, the ship owner, bare boat charterer or operator has the duty to prove it.

*[30 October 2003; 28 October 2004; 10 November 2005; 15 June 2006; 16 June 2011]*

### **Section 18. Classification Societies (Recognised Organizations) and Recognised Security Organizations**

(1) Classification societies (recognised organizations) are commercial companies, performing the technical supervision of ships in conformity with an authorisation agreement entered into with the Maritime Administration of Latvia. The Maritime Administration of Latvia may enter into authorisation agreements only with classification societies recognised in the

European Union in conformity with the national laws and regulations regarding the procedures for supervising classification societies (recognised organizations). A list of classification societies (recognised organizations) shall be published on the website of the Maritime Administration of Latvia ([www.lja.lv](http://www.lja.lv)).

(2) Port authorities shall provide free access of representatives of classification societies (recognised organizations), as well as recognised security organizations to ships to be inspected.

(3) The definition of recognised security organization is given in SOLAS Convention Chapter XI-2. The Cabinet shall issue regulations in which the following shall be determined:

1) the requirements and procedures for recognition, certification and supervision of activities of security organizations;

2) the requirements for obtaining of a conformity certificate of a recognised security organizations, and also the procedures for issuing and cancelling thereof.

(4) The Cabinet shall determine the procedures for supervising classification societies (recognised organizations).

*[30 October 2003; 28 October 2004; 10 November 2005; 16 June 2011; 30 April 2015]*

### **Section 18.<sup>1</sup> Limitation of the Financial Liability of Classification Societies (Recognised Organizations)**

Classification societies (recognised organizations) may limit the maximum amount, which they pay out to the Maritime Administration of Latvia in accordance with a court or arbitration court decision that has come into effect, but this amount may not be less than:

1) 4 million euros in claims, which are associated with injuries to persons or death;

2) 2 million euros in claims, which are associated with the loss of property or damage done thereof.

*[15 June 2006]*

### **Section 19. Compliance with Requirements of ISM Code and ISPS Code**

(1) Latvian ships, to which Chapters IX and XI-2 of the SOLAS Convention apply, shall comply with the requirements of the codes referred to in these chapters.

(2) The Maritime Administration of Latvia or the authorised classification society thereof (recognised organization) after an audit of the relevant shipping company and the ship shall issue the conformity document specified in the ISM Code to the shipping companies, which administer the Latvian ship and a safety management certificate to the Latvian ship.

(3) The Maritime Administration of Latvia shall perform general supervision of compliance with the ISM Code and ISPS Code requirements.

(4) The Maritime Administration of Latvia in co-operation with the Security Police, State Border Guard, Coast Guard and other authorities of the Republic of Latvia in conformity with the laws and regulations governing the operations thereof, shall take measures to ensure the implementation of the requirements specified in the ISPS Code and other laws and regulations for ship, port and port facility security. The Cabinet shall prescribe the procedures by which the Coast Guard shall ensure the enforcement of the decision on the expulsion of the ship from the port.

(5) The Cabinet shall issue regulations in which the following shall be determined:

1) division of security functions of ships, shipping companies, ports and port facilities, as well as procedures for implementation and supervision thereof laid down in the norms of international law;

2) rights and obligations of ship and port security inspectors of the Maritime Administration of Latvia;

3) requirements for the receipt of the international ship security certificate, interim international ship security certificate, the Statement of Security Compliance of the Port or the Port Facility, and also the procedures for issuing or cancelling such certificates and approval;

4) requirements for approval of training programmes for the port or port facility personnel and the procedures for approval thereof;

5) basic requirements for training, exercises and practical studies in ship and shipping company, port and port facility security;

6) requirements for co-operation and exchange of information by authorities involved in the fulfilment of the requirements of ship, shipping company, port and port facility security, and also the procedures for co-operation and exchange of information.

*[30 October 2003; 28 October 2004; 16 June 2011; 30 April 2015; 16 June 2016 / Amendments to Paragraph four shall come into force from 1 January 2017. See Paragraph 37 of the Transitional Provisions]*

## **Section 20. Radio Communications**

All Latvian ships shall be equipped with radio equipment, including equipment for the provision of radio communications in cases of a ship accident and rescue operations, conforming to the requirements of laws and regulations and treaties binding on Latvia.

## **Section 21. Ship's Logbooks**

(1) On board of ships flying the flag of Latvia and involved in commercial activities, except fishing boats, ships without a crew and laid-up ships, the following ship's logbooks shall be present:

1) Ship's Log Register. Each ship's logbook used on a ship shall be registered therein;

2) Ship's Logbook and Ship's Engine Logbook. On ships of less than 500 gross tonnage, a Joint ship's logbook might be used instead of these logbooks;

3) other ship's logbooks (for example, GMDSS Radio Logbook, Oil Record Book, Garbage Record Book, Cargo Record Book, if a ship carries noxious liquid substances in bulk).

(2) The ship's logbooks referred to in Paragraph one of this Section shall be purchased from the Maritime Administration of Latvia.

(3) The Maritime Administration of Latvia shall register the ship's logbooks referred to in Paragraph one, Clauses 1 and 2 of this Section.

(4) Instead of the ship's logbooks referred to in Paragraph one, Clause 3 of this Section it is allowed to use ship's logbooks other than purchased from the Maritime Administration of Latvia, if they conform to the requirements of the norms of international law.

(5) Entries in ship's logbooks shall be made systematically and as soon as possible after the carried out activity or event, by describing the course of the carried out activity or event and formulating the facts precisely.

(6) Completed ship's logbooks shall be kept on board the ship for two years, unless otherwise provided for in the international laws and regulations. Afterwards the ship's logbooks shall be transferred for storage to a ship-owner or ship's management company which shall keep them for at least another four years.

(7) Use of ship's logbooks, which is contrary to the requirements of this Section, is prohibited.

*[30 April 2015]*

## **Section 22. Emergency Plans and Muster List**

(1) Latvian ships shall have a muster list, which shall include the following entries: “Kuģa kopējā trauksme!”, [Ship’s General Alarm], “Cīņa ar uguni!”, [Fire Alarm!], “Cilvēks aiz borta!”, [Man overboard!], “Atstāt kuģi!”[Abandon ship!], as well as a description of the duties of each crew member in emergencies, emergency plans and management documents for emergency situations in compliance with the requirements specified in SOLAS Convention and MARPOL Convention.

(2) The Minister for Transport is entitled to specify requirements in relation to action plans in case of emergency and muster lists.

## **Chapter II**

### **Crew of a Ship and Labour Protection of Seafarers**

#### **Section 23. Crew and Master of a Ship**

(1) A master of a ship is a person authorised by a ship-owner who is responsible for the general management of the ship, as well as maritime safety and security. Orders of the master in compliance with his or her authorisation shall be compulsory to all persons on board.

(2) The crew of a ship includes officers, ratings and trainees.

(3) A trainee is a person who is doing his in-service training on board a ship in accordance with a seafarers professional education programme.

(4) The crew of a ship shall not include a person who has been convicted for an intentional serious or especially serious crime.

(5) Persons who have not been trained and who do not hold an appropriate certificate of qualification to perform the relevant work duties in conformity with the requirements of laws and regulations and international laws shall not work on a ship. An original of the certificate of qualification shall be available on board the ship on which a person is working.

(6) It is prohibited to an owner to pass the certificate of qualification to other person, except for a master of the ship and in the cases provided for in the laws and regulations.

*[28 October 2004; 22 October 2009; 13 June 2013]*

#### **Section 24. Recruitment of the Crew of a Ship**

(1) Latvian ships shall be recruited with appropriate personnel, which shall ensure safety and security at sea and in ports taking into account the requirements of the SOLAS Convention, STCW Convention, STCW-F Convention and International Labour Organization Conventions.

(2) In recruiting of the crew of a ship, the requirements not lower than the requirements which are laid down in a minimum manning certificate shall be complied with. This certificate shall be issued to Latvian ships by the Maritime Administration of Latvia.

(3) A ship-owner shall be responsible for the recruitment of crew. The crew of the ship shall be recruited with the consent of the master of the ship.

(4) Seafarers and other persons who perform specific tasks in relation to the operation and maintenance of Latvian ships shall have documents certifying professional qualification in compliance with laws and regulations and the STCW Convention, and also STCW-F Convention.

(5) Activities related to the provision of recruitment and placement services in manning the ship’s crew shall be permitted to merchants who have obtained a special permit (licence) from the Maritime Administration of Latvia. This requirement shall not apply to ship-owners included in the Ship Register, which are placing persons for work on the ships owned by them not subject to SOLAS Convention. The Cabinet shall determine the procedures by which the

licensing of merchants occurs, as well as the supervision of compliance with the regulations of the special permit (licence) issued to such merchants.

(5<sup>1</sup>) [17 June 2010]

(6) The Cabinet shall determine the rights, duties and liability of those merchants which provide recruitment and placement services in manning the ship's crew.

(7) Compensation shall not be demanded and received from a seafarer for the provision of recruitment and placement services in manning the ship's crew.

*[30 October 2003; 28 October 2004; 10 May 2007; 22 October 2009; 17 June 2010; 16 June 2011; 30 April 2015]*

## **Section 25. Watchkeeping and Operation of a Ship**

(1) In order to guarantee the safety of persons, ships, cargoes, navigation and the environment, the master shall organise the watchkeeping and operation of the ship in conformity with the requirements of this Law and other laws and regulations on a Latvian ship.

(2) Latvian ship-owners have a duty to ensure safe navigation and engine room watches on their ships and the operation of the ship by issuing appropriate instructions to each master, officers keeping a navigational watch, chief engineer, officers keeping an engineering watch and ratings of their ship. These instructions shall provide for the measures necessary for safe operation of the ship, environmental protection from pollution, conformity of qualification and state of health of seafarers to safe watchkeeping conditions.

## **Section 26. Training of Seafarers and Operators of Vessels**

(1) The Ministry of Transport shall issue a conformity certificate for seafarer's professional training programmes the conformity of which to the requirements of international laws and regulations, as well as implementation of the professional training of seafarers shall be supervised by the Registry of Seamen of Maritime Administration of Latvia. The Cabinet shall determine the procedures for issuing and cancellation of conformity certificates and supervision of professional training programmes of seafarers, and also conditions for the implementation of professional training programmes of seafarers.

(2) The certification of seafarers shall be performed by the Registry of Seamen of Maritime Administration of Latvia in accordance with the procedures and criteria determined by the Cabinet.

(3) The Minister for Transport is entitled to specify the procedures and criteria for the application of STCW and other international laws and regulations binding on Latvia.

(4) The procedures for training, certifying and registering recreational craft operators shall be stipulated by the Cabinet.

(5) [16 June 2011]

(6) [16 June 2011]

(7) [16 June 2011]

*[28 October 2004; 10 November 2005; 10 May 2007; 19 June 2008; 17 June 2010; 16 June 2011; 30 April 2015 / Amendments to Paragraph one shall come into force from 31 December 2015. See Paragraph 33 of the Transitional Provisions]*

## **Section 27. Seaman's Discharge Book**

(1) A Seaman's Discharge Book is a seafarer's identity and travel document in conformity with the requirements laid down in the International Labour Organization Seafarer's Identity Documents Convention, 1958.



(2) A Seaman's Discharge Book shall be issued to seafarers registered in the seafarer certification database who have been assigned to work on ships engaged on international voyages and who have a personal identity document issued by Latvian competent institutions – foreign nationals shall have a personal identity document issued by the competent institutions of the foreign state and a permanent residence permit issued by Latvian competent institutions. A Seaman's Discharge Book shall also be issued to persons who are studying in the maritime educational institutions of Latvia and are assigned to do in-service training on ships.

(3) [10 November 2005]

(4) The Cabinet shall determine the information to be included in the Seaman's Discharge Book and the procedures by which the Registry of Seamen of the Maritime Administration of Latvia shall perform the drawing up, issue, exchange, seizure, cancellation, recognition as invalid and accounting of Seaman's Discharge Book.

(5) Information on invalid Seaman's Discharge Book and forms thereof shall be included in the register of invalid documents in accordance with the procedures stipulated by the Cabinet.

[30 October 2003; 10 November 2005; 16 June 2011]

## **Section 28. Ensuring Labour Protection Requirements on Ships**

(1) Labour protection requirements, ship operational specifics and good seamanship shall be complied with on Latvian ships.

(2) The master of a ship shall be liable for compliance with labour protection and safety requirements on the ship. A member of the crew assigned by the master of the ship shall be responsible for the safety of individual operations of the ship.

(3) A ship-owner shall provide the master of the ship with labour safety instructions, which shall be drawn up in compliance with the requirements of the International Labour Organization Convention, the Labour Protection Law and other laws and regulations.

[16 June 2011]

## **Section 29. Medical Fitness of Seafarers for the Work on a Ship**

(1) A seafarer who intends to obtain a professional qualification-supporting documentation or who is employed or wants to begin to work on a ship shall have a valid opinion issued by a medical practitioner regarding his or her medical fitness for the work on the ship.

(1<sup>1</sup>) Before admission or matriculation to a vocational education programme, which provides an opportunity to acquire a document certifying the qualification of a seafarer, a person (hereinafter – the applicant for the qualification of a seafarer) shall have a valid opinion issued by a medical practitioner regarding his or her medical fitness for the work on the ship in the chosen qualification.

(2) The Cabinet shall determine the procedures by which medical examination of seafarers shall be performed, and the procedures by which a medical practitioner's opinion shall be issued regarding the conformity of the health of a seafarer for work on a ship.

(3) The Cabinet shall specify criteria according to which the conformity of health of seafarers for work on a ship shall be determined in the medical examination of seafarers.

(3<sup>1</sup>) Expenses for carrying out the medical examination for a seafarer, who is employed on a Latvian ship, by a recognised medical practitioner of seafarers shall be covered by a relevant ship-owner.

(4) The Cabinet shall determine the criteria and procedures for recognising medical practitioner of seafarers, as well as duties for the medical practitioners of seafarers. In the decision on the cancellation of the recognition of medical practitioner of seafarers the Registry of Seamen of the Maritime Administration of Latvia is entitled to specify a

prohibition for the medical practitioner to re-apply for the recognition of medical practitioner of seafarers for a period of up to three years.

*[28 October 2004; 16 June 2011; 30 April 2015; 16 June 2016 / Paragraph 1.1, amendments to Paragraphs two and three and new wording of Paragraph four shall come into force on 1 January 2017. See Paragraph 38 of the Transitional Provisions]*

### **Section 30. Work and Rest Rooms of the Crew of a Ship**

(1) Ship-owners shall ensure that the work and recreation rooms of the personnel of Latvian ships comply with the requirements of conventions of the International Labour Organization and other international laws and regulations in relation to:

1) minimum area intended for each person in the sleeping quarters of seafarers and maximum number of persons therein;

2) facilities in sleeping quarters, mess rooms of seafarers, sanitary facilities and galleys;

3) protection of the crew of the ship against injuries, humidity, heat, cold and noise;

4) provision of a ship with water and equipment for heating, lighting, ventilation and sanitary arrangements.

(2) A ship's officer, who has been authorised by the master of the ship for this purpose, shall periodically inspect the premises of the crew and record the results in the ship's logbook.

(3) The Cabinet shall determine the applicable MLC Convention requirements for living premises and equipment for recreation on board the ship and the conditions for compliance with such requirements.

*[16 June 2011; 13 June 2013]*

### **Section 31. Restriction on use of Alcohol and Prohibition to use Drugs and Psychotropic Substances**

(1) The blood alcohol concentration (BAC) may not exceed 0.5 promils for seafarers on a ship.

(2) Seafarers shall refrain from the use of alcohol at least four hours before watchkeeping or performance of other service duties and shall not use alcohol during the watchkeeping or performance of other service duties.

(3) Seafarers on ships may not be under the effect of drugs and psychotropic substances.

(4) The provisions of this Section do not prohibit the owners of Latvian ships to specify more restrictive requirements for seafarers on their ships in relation to norms of allowable alcohol usage.

(5) The master of a ship, harbour master or an inspector of marine casualty investigation shall invite the police or the Coast Guard Service (in the sea), or the State Border Guard (in the sea and port) in order for them to determine the influence of alcohol intoxication, narcotic or other intoxicating substance for persons involved in marine casualty or incident, or send such persons for the performance of analysis if there are grounds to suspect that they have used alcohol or narcotic or other intoxicating substances.

(6) The harbour master is entitled to invite the police or the State Border Guard in order for them to determine the influence of alcohol intoxication, narcotic or other intoxicating substance for persons or send such persons for the performance of analysis if there are grounds to suspect that they have used alcohol or narcotic or other intoxicating substances.

*[30 October 2003; 10 November 2005; 13 June 2013; 16 June 2016]*

## **Section 32. Health Protection Requirements on Ships**

- (1) The Cabinet shall determine the minimum labour safety and health protection requirements for the provision of medical aid on a ship.
- (2) Each Latvian ship shall have a specially trained officer who shall be permanently responsible for the provision of first aid and the use of medicine.

### **Chapter III** **Maritime Safety and Security in Ports** *[28 October 2004]*

## **Section 33. Harbour Master**

- (1) A harbour master is an official of the port authority who, in accordance with laws and regulations, the regulatory enactments of the International Maritime Organization, Helsinki Convention and the requirements of the recommendations of the Helsinki Commission, shall organise and control ship traffic in the port and port approaches, and perform the control functions of safety of navigation in relation to ship traffic in the port, the port area, shipping routes, berths and terminals. The Cabinet may issue regulations regarding harbour masters.
- (2) The port authority may establish the following services necessary for the provision of maritime safety, which shall be managed by the harbour master: a vessel traffic service, pilot service and other port services.
- (3) If the services referred to in Paragraph two of this Section are not established, the chief executive officer of the port may carry out the duties of a harbour master or another duly certified person assigned by the chief executive officer of the port.
- (4) A harbour master shall conduct the icebreaking operations in the port approaches during the ice navigation period.
- (5) A harbour master shall conduct the response operations in a port and person rescue operations if such operations have been determined in the emergency action plans.
- (6) If a marine casualty has occurred in a port or in the approaches to the port, a harbour master shall notify the Coast Guard, the Transport accident and Incident Investigation Bureau and the Maritime Administration of Latvia thereof and, in case of pollution, also the State Environmental Service and commence the collection of evidence and documents necessary for the investigation of the accident without delay.

*[30 October 2003; 28 October 2004; 10 November 2005; 10 May 2007; 16 June 2011]*

## **Section 34. Pilots and Operators of Vessel Traffic Services (VTS)**

- (1) A pilot is an employee of the relevant port authority who has received an appropriate professional qualification certificate. A pilot shall perform advisory functions to the master of a ship during the ship's manoeuvring, entering into the port, leaving the port or moving within the port. The master of a ship is liable for safe navigation of the ship during pilotage operations.
- (2) Pilots may provide pilot services also in waters outside the port.
- (3) The Cabinet taking into account the requirements of international laws and regulations shall determine the areas where pilot services are available, the procedures by which pilots shall be used on ships, as well as the procedures for the training, certification and qualifications examination of pilots.
- (4) The master of a ship who has an exemption certificate shall be exempted from a duty to use a pilot in a pilotage area if it has not been otherwise provided for in international regulatory enactments binding on Latvia.

(5) The Cabinet shall determine the procedures for training, certifying and qualifications examination of operators of vessel traffic services (VTS).  
*[28 October 2004; 10 November 2005]*

### **Section 35. Registration of Ship Passengers**

(1) On a passenger ship that is engaged in voyages 20 nautical miles from a Latvian port or more passengers shall be registered before leaving the port.  
(2) The Cabinet shall determine the procedures for registering ship passengers.  
*[30 October 2003; 13 June 2013]*

### **Section 36. Notification of Dangerous and Polluting Cargoes**

*[29 March 2012]*

### **Section 37. Ship Cargo Operations**

(1) Cargo loading and unloading operations shall be performed in accordance with a ship cargo plan, which shall be co-ordinated with a stevedore company and for which the master of a ship shall be liable. The cargo plan of the ship shall ensure the safety of a ship in port and at sea.  
(2) Cargo operations on a ship shall be performed and the cargo shall be stowed and secured in compliance with the requirements of the International Maritime Organization in relation to the type of the relevant cargo (timber, cargoes carried on deck, grain cargoes, high density bulk cargoes and other cargoes the carriage of which are regulated by special codes of the International Maritime Organization).  
(3) Any person who suspects non-compliance with the requirements specified in Paragraph two of this Section in a port shall notify the harbour master thereof. The harbour master shall forward this information to the Maritime Administration of Latvia, if necessary.  
*[30 October 2003; 16 June 2011]*

### **Section 37.<sup>1</sup> Compliance with the SOLAS Convention requirements about obtaining the verified gross mass of containers**

(1) A shipper shall be responsible that the shipping document, in which the verified gross mass of a container is stated, in conformity with the requirements of the SOLAS Convention, is signed by a person duly authorised by the shipper, and also for submission of such shipping document to the master or his representative and to the terminal representative sufficiently in advance, as required by the master or his representative, to be used in the preparation of the ship stowage plan.  
(2) If the shipping document, with regard to a packed container, does not provide the verified gross mass and the master or his representative and the terminal representative have not obtained the verified gross mass of the packed container, it shall not be loaded on to the ship.  
(3) The Cabinet shall determine the procedures for obtaining, notification and control of verified gross mass of containers.  
(4) This Section shall not apply to containers which are carried on a chassis or a trailer when such containers are driven on or off a ro-ro ship in short international voyages (international voyage during which the ship is not farther than 200 nautical miles from the port or place where passengers and crew may be conveyed in safety, and the distance between the last port in a country, where the voyage began, and the destination port, and also return voyage do not exceed 600 nautical miles).  
*[16 June 2016 / Section shall come into force on 1 July 2016. See Paragraph 39 of the Transitional Provisions]*

## **Section 38. Operations with Dangerous and Polluting Goods in Ports**

(1) Performing operations with dangerous and polluting goods a berth operator, a shipper and the master of a ship shall, within their competence depending on the type of the cargoes, ensure compliance with the requirements of the SOLAS Convention, MARPOL Convention and codes, including the International Maritime Dangerous Goods Code (IMDG Code), International Maritime Solid Bulk Cargoes (IMSBC Code), International Safety Guide for Oil Tankers and Terminals (ISGOTT), the Oil Companies International Marine Forum (OCIMF) Safety Guide for Terminals Handling Ships Carrying Liquefied Gases in Bulk and other international regulatory enactments in relation to:

- 1) oil and oil products;
- 2) cargoes of liquefied gases in bulk;
- 3) cargoes of noxious liquid substances in bulk;
- 4) packaged dangerous goods;
- 5) solid bulk cargoes.

(2) The Minister for Transport is entitled to specify the procedures for the application of international laws and regulations in relation to cargo operations and cargo operations in ports with dangerous and polluting goods in compliance with the requirements and recommendations of international laws and regulations and the International Maritime Organization specified in Paragraph one of this Section, as well as the requirements and recommendations of the Helsinki Convention and Helsinki Commission.

(3) Every shipper of a dangerous and polluting cargo in Latvia, in preparing the cargo for carriage by sea, shall take into consideration the requirements of the international laws and regulations specified in Paragraph one of this Section.

(4) The Cabinet may issue regulations regarding the movement and control of dangerous and polluting cargoes in ports.

*[30 October 2003; 28 October 2004; 22 October 2009; 16 June 2011]*

## **Section 39. Reception Facilities for Ship-generated Wastes**

(1) The port authority shall ensure the reception of ship-generated wastes, but a berth operator — the reception of wastes generated by the cargo of a ship.

(2) Port waste reception facilities shall comply with the requirements of the MARPOL Convention, Helsinki Convention and other international regulatory enactments.

### **Section 39.1 Facilities for Reception of the Ships' Ballast Water Sediments**

(1) The ports and terminals where cleaning or repair of ballast tanks is carried out shall ensure the reception of ballast water sediments.

(2) The facilities for reception of ballast water sediments shall conform to the requirements laid down in Article 5(1) of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

*[14 February 2019]*

## **Section 40. Tonnage Measurement of Segregated Ballast Tanks in Oil Tankers**

The tonnage of segregated ballast tanks shall be calculated in accordance with the norms of international law.

*[19 June 2008]*

## **Chapter IV**

### **Navigation Regime in Latvian Waters**

#### **Section 41. Vessel Traffic Services**

(1) In order to foster safety of navigation, safety of life at sea and protection of the marine environment, as well as efficiency of vessel traffic in port and its approaches, port authorities shall establish and maintain vessel traffic services in accordance with Regulation 12 of Chapter V of the SOLAS Convention.

(2) Operating areas of vessel traffic management system and procedures for use thereof shall be laid down in the regulations of the relevant ports and promulgated in the navigation publication "Notices to Mariners".

(3) Any ship shall observe the following in the operating area of the vessel traffic management system:

1) procedures for navigation and reporting provided for in the regulations of the relevant port;

2) recommendations of vessel traffic management operators.

*[16 June 2011]*

#### **Section 41.<sup>1</sup> Reporting Formalities Related to Ships Arriving in and Departing from Port**

(1) Reporting formalities relating to calling of a ship at port and leaving therefrom (hereinafter – the port formalities) are as follows:

1) notification of arrival and departure of a ship from port;

2) notification of dangerous and polluting goods on board the ship;

3) notification of ship's waste;

4) submission of security-related information;

5) notification of persons who stowed away on the ship and stay there illegally;

6) notification in accordance with the Convention on Facilitation of International Maritime Traffic, 1965;

7) reporting in relation to border checks;

8) reporting in relation to customs control;

9) reporting in relation to veterinary, phytosanitary, food safety, safety of non-food products, as well as quality and classification control of cargo at the border crossing points;

10) reporting regarding the need to perform expanded inspection within the scope of port State control;

11) reporting related to fishing operation and monitoring of catches prior to arrival of a fishing vessel into a port.

(2) Upon arrival of a ship at the port of Latvia or leaving it, the duty to perform port formalities is entrusted to an owner of the ship, possessor, master of the ship or an agent authorised by an owner of the ship, possessor or a master of the ship.

(3) The procedures by which performance of port formalities is carried out shall be determined by the Cabinet.

*[29 March 2012]*

#### **Section 41.<sup>2</sup> International Freight Logistics and Port Information System (SKLOIS)**

(1) The International Freight Logistics and Port Information System (SKLOIS) is a State information system which ensures a centralised and electronical exchange of maritime information in order to make maritime traffic more efficient.

(2) The International Freight Logistics and Port Information System (*SKLOIS*) shall perform the functions of the national *SafeSeaNet* system and ensure the information exchange with the European Union *SafeSeaNet* system.

(3) The information to be included in the International Freight Logistics and Port Information System (*SKLOIS*) and the procedures for its circulation, the users of this system, the procedures by which the access rights are granted and annulled for them, and also the extent of such rights shall be determined by the Cabinet.

*[4 October 2018 / Section shall come into force from 1 January 2019. See Paragraph 42 of Transitional Provisions]*

### **Section 41.<sup>3</sup> Automatic Identification System (AIS) and Long-range Identification and Tracking (LRIT) System**

(1) The Automatic Identification System (AIS) is an identification and tracking system determined in the SOLAS convention which automatically provides information regarding the ship to other ships and institutions on the coast.

(2) The Long-range Identification and Tracking (LRIT) System is an identification and tracking system determined in the SOLAS convention which ensures identification of ships and their tracking in long distances.

(3) The Cabinet shall determine:

1) the procedures for ensuring operation of the coastal communications network of the Automatic Identification System (AIS), and also for the use and circulation of the data of this system;

2) the procedures for ensuring operation of the Long-range Identification and Tracking (LRIT) System, including the obligations of the persons involved in the system.

*[4 October 2018 / Section shall come into force from 1 January 2019. See Paragraph 42 of Transitional Provisions]*

### **Section 42. Ship Collision Reports**

If a ship has been damaged in a collision or caused a collision in Latvian waters, the master of the ship, an owner of the ship, an agent or other person who has information regarding the collision of the ship, shall without delay notify the Coast Guard or the nearest harbour master thereof.

### **Section 43. Regulations for Prevention of Collisions at Sea**

(1) Masters of ships and hydroplanes shall comply with the requirements of the COLREG Convention in Latvian waters.

(2) The Cabinet may in compliance with the requirements of the COLREG Convention specify special navigation procedures in separate port areas and waters related thereto without compromising the safety of navigation.

*[28 October 2004]*

### **Section 44. Detaining of a Ship at Sea**

(1) In order to ensure the fulfilment of laws and regulations and treaties binding on Latvia in Latvian waters outside the port area, the Coast Guard may control, inspect and detain a ship in compliance with the 1982 United Nations Convention On the Law of the Sea.

(1<sup>1</sup>) In order to ensure the fulfilment of laws and regulations and treaties binding on Latvia, as well as to strengthen State security and defence capabilities, warships of member states of North Atlantic Treaty Organization (NATO) and European Union (EU) may be involved in

the control, inspection and detaining of ships in Latvian waters outside a port area. Performing the abovementioned tasks, warships of member states of North Atlantic Treaty Organization (NATO) and European Union (EU) and the officials thereof have all the rights and duties of the Coast Guard and the officials thereof.

(2) The Cabinet shall determine the procedures for controlling, inspecting and detaining ships in Latvian waters.

*[15 June 2006]*

#### **Section 45. Radio Reports**

(1) In GMDSS areas included in Latvian coastal waters the Coast Guard shall ensure the distress (MAYDAY), urgency (PAN-PAN) and regular marine safety (SECURITEE) messages, as well as meteorological forecasts in compliance with the requirements of SOLAS Convention, SAR Convention, International Aeronautical and Maritime Search and Rescue Manual and International Radio Regulations. The Co-ordination Centre (MRCC) shall receive the ship security alert and the security information provided by ships.

(2) *[28 October 2004]*

(3) *[1 January 2019 / See Paragraph 41 of Transitional Provisions]*

*[30 October 2003; 28 October 2004; 10 November 2005; 15 June 2006; 11 December 2008; 4 October 2018]*

#### **Section 46. Search and Rescue**

(1) The operations for search and rescue, as well as the co-ordination of the provision of assistance and the granting places of refuge for vessels shall be performed by the Coast Guard in accordance with the requirements of the SAR Convention and the International Aeronautical and Maritime Search and Rescue Manual.

(2) The Cabinet shall issue regulations regarding maritime search and rescue in the area of responsibility of the Co-ordination Centre (MRCC) in the cases of maritime and aviation accidents. The abovementioned regulations shall determine the procedures by which co-operation between the Coast Guard and other institutions, the operation of the Co-ordination Centre (MRCC) and its sub-centres shall be conducted, and specify the Latvian area of responsibility.

(3) The Coast Guard shall ensure the operation of the Co-ordination Centre (MRCC) and GMDSS coastal communications network, and use the ships and aircrafts of the National Armed Forces, the Aeronautical Search and Rescue Co-ordination Centre (ARCC), as well as other technical means in conformity with the emergency action plan.

(4) The Coast Guard may establish sub-centres of the Co-ordination Centre (MRCC). The Vessel Traffic Service (VTS) of a port shall be regarded as such a sub-centre in cases of rescue.

(5) The Co-ordination Centre (MRCC) and sub-centres thereof shall have emergency action plans that prescribe the procedures and the authorities involved in search and rescue, as well as the co-ordination of the provision of assistance and the granting places of refuge for vessels in the Latvian area of responsibility including port areas.

(6) In the case of a maritime or aviation accident, the Co-ordination Centre (MRCC) has the right to permit foreign ships and warships to enter Latvian territorial waters, but aircraft and military aircraft to enter Latvian air space above the territorial waters thereof notifying the Ministry of Defence and the Ministry of Foreign Affairs thereof immediately.



(7) Passenger ships, which are engaged in regular traffic for more than six months and crossing the Latvian area of responsibility, shall have a co-operation plan for search and rescue. The Coast Guard in compliance with the recommendations of the International Maritime Organization shall develop the abovementioned plan.

*[28 October 2004; 10 November 2005; 16 June 2011; 13 July 2017]*

#### **Section 47. Emergency and Distress Signals**

(1) In cases of emergency and distress the signals complying with the requirements of the COLREG Convention and SOLAS Convention shall be used.

(2) It is prohibited to use the emergency and distress signals referred to in this Section without need. For such violations, persons at fault shall be subject to administrative liability.

#### **Section 48. Notices to Mariners and Navigational Warnings**

(1) The Maritime Administration of Latvia shall compile information regarding changes in the navigation regime and aids to navigation in Latvian waters and shall publish this information in the navigation publication "Notices to Mariners".

(2) The Coast Guard shall include the information specified in Paragraph one of this Section and partly or fully navigational warnings in the regular safety (SECURITEE) broadcasts.

*[10 November 2005]*

#### **Section 48.<sup>1</sup> Vessel Traffic within Internal Waters of Latvia**

(1) The Cabinet shall determine the procedures for the vessel traffic within internal waters of Latvia, including the requirements for traffic participants and established navigation signs and lights.

(2) A local government council has the right to issue binding regulations within the administrative territory thereof regarding additional provisions for the vessel traffic within internal waters of Latvia. The local government council shall request an opinion from the Maritime Administration of Latvia regarding a draft binding regulation from the maritime safety aspect and take it into account.

*[30 April 2015]*

### **Chapter V**

#### **Marine Casualties and Marine Incidents**

*[16 June 2011]*

#### **Section 49. Definition of Marine Casualty and Marine Incident**

A marine casualty and marine incident are defined in the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) of the International Maritime Organization.

#### **Section 50. Investigation of Marine Casualties and Marine Incidents in the Maritime Safety Aspect**

(1) Investigation of marine casualties and marine incidents is defined in the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) of the International Maritime Organization. Such investigation is not related to determination of fault or liability of the parties involved in the marine casualty or marine incident.

(2) The procedures for investigating marine casualties and marine incidents from the point of view of maritime safety shall be determined by the Cabinet.

### **Section 50.<sup>1</sup> Reporting of Marine Casualty and Marine Incident**

(1) A master of the ship, a ship-owner or his or her authorised person, any institution, as well as any other natural or legal person who has received information regarding a marine casualty or marine incident shall notify the Coast Guard thereof without delay. The Coast Guard shall notify the received information without delay to the Transport Accident and Incident Investigation Bureau, the Maritime Administration of Latvia, the State Police, as well as, if there is a possibility of environmental pollution, – to the State Environmental Service, but, if there is a possibility of environmental pollution on the coast – the State Fire-fighting and Rescue Service.

(2) When a marine casualty or marine incident, in which a Latvian ship is involved, has occurred in the territorial or internal waters of other State, a master of the ship, a ship-owner or his or her authorised person shall notify a competent authority of the coastal State without delay in addition to the requirements laid down in Paragraph one of this Section

(3) The Transport Accident and Incident Investigation Bureau shall notify the competent authorities of other substantially interested States without delay regarding any marine casualty or marine incident in which a Latvian ship is involved or which has occurred in the territorial or internal waters of Latvia.

(4) The notification regarding marine casualty or marine incident shall contain as much of the following information as is readily available:

- 1) the name and the flag State of the ship;
- 2) the IMO ship identification number;
- 3) the nature of the casualty or incident;
- 4) the position of the casualty or incident;
- 5) time and date of the casualty or incident;
- 6) the number of any seriously injured or killed persons;
- 7) consequences of the casualty or incident to individuals, property and the environment;
- 8) the data of any other ship involved in the casualty or incident.

## **Chapter VI Prevention of Marine Pollution**

### **Section 51. Pollution Prevention**

(1) A ship-owner, the master of a ship and the operator of an offshore platform shall ensure compliance with the regulations on pollution prevention in conformity with the norms of the MARPOL Convention and Annexes thereof, Helsinki Convention and other norms of international law.

(2) The master of a ship shall ensure that before the ship leaves the port, the waste generated by the ship and ship cargo is delivered to the waste reception facilities of the relevant port in accordance with the requirements of international regulatory enactments.

(3) It is prohibited to discharge waste or other substances into the sea from ships and fixed offshore installations in Latvian waters. This prohibition shall not apply to:

- 1) the dumping of soil acquired in dredging work into the sea if the dumping is performed in accordance with a permit issued by the State Environmental Service;
- 2) dumping of by-catch and over-catch into the sea;
- 3) cases when a person, a ship or fixed offshore installations are in danger of being lost and the dumping of substances into the sea is the only possibility of eliminating these

threats. During the discharge of substances into the sea it shall be observed that possible harm to human life and health, as well as the harm to marine environment is reduced to minimum. Any person who determines such a case of dumping shall notify the State Environmental Service thereof.

(4) It is prohibited to incinerate waste, as well as chemicals and chemical products in Latvian waters.

(5) Cargo, passenger and supply operations if a ship is at sea shall be permitted only at anchorages, which have been notified in the navigation publication "Notices to Mariners", informing the Coast Guard. Ship to ship dangerous and polluting cargo operations shall be coordinated with the Coast Guard, the State Environmental Service, the relevant customs authority, the Maritime Administration of Latvia and the nearest harbour master to the anchorage. Each ship performing the abovementioned operations shall be provided with emergency plans, which shall be sufficient to prevent the consequences of spillage of harmful substances into the sea.

(6) Port authorities shall ensure that ports have an oil spill contingency plan approved by the State Environmental Service.

(7) Operators of an oil or chemical terminal, a berth or a group of berths shall ensure that an oil spill contingency plan is drawn up. The State Environmental Service shall approve this plan.

(8) The plans referred to in Paragraphs six and seven of this Section in relation to ports shall be drawn up by port authorities, but in relation to terminals – by their owners taking into account the requirements of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (hereinafter – the OPRC Convention) and standard requirements approved by the Cabinet, which shall be complied with in preparation of an oil spill contingency plan.

*[28 October 2004; 10 November 2005; 10 May 2007]*

## **Section 52. Pollution Reports**

(1) Every person has a duty to notify the Coast Guard or the nearest harbour master regarding each case, which is related to the spillage or the possible spillage of oil, dangerous or other harmful substances in Latvian waters from a ship, fixed offshore installations, a port terminal or any other object. The Coast Guard or the harbour master shall notify the State Environmental Service thereof.

(2) The master of a Latvian ship whose ship is in foreign waters upon identification of the cases referred to in Paragraph one of this Section shall notify thereof the competent authority of the nearest coastal state without delay.

*[10 November 2005; 10 May 2007]*

## **Section 53. Marine Pollution Response**

(1) The response operations of oil spill and pollution of dangerous or harmful substances caused by a marine casualty in Latvian waters or in the proximity thereof shall be performed in accordance with the OPRC Convention, Helsinki Convention and the National Contingency Plan for response to pollution incidents of oil and hazardous or noxious substances at sea approved by the Cabinet.

(2) The Coast Guard shall ensure and co-ordinate the pollution response operations, but the relevant harbour master shall co-ordinate such operations in the port area following the oil spill contingency plan of the port.

(3) In case of the marine pollution referred to in Paragraph one of this Section the Co-ordination Centre (MRCC) has the right to permit foreign ships and warships to enter Latvian territorial waters, but in respect of civil and military aircraft entering Latvian air space above

the territorial waters thereof shall immediately inform the Ministry of Defence and the Ministry of Foreign Affairs of such permission.

*[28 October 2004; 17 June 2010; 16 June 2011]*

#### **Section 54. Procedure in Case of Marine Pollution**

(1) If a marine casualty has occurred, which has caused pollution or threat of pollution to Latvian waters or the seacoast of Latvia or caused a threat to any other State interest related to Latvian waters or seacoast, the Coast Guard in co-operation with other competent institutions shall take such measures as it considers necessary to prevent, reduce or eliminate the pollution, as well as any measures in relation to the ship involved and the cargo thereof. These measures may include the following with regard to the ship and the cargo thereof:

- 1) relocation;
- 2) salvage operations;
- 3) dumping or destruction;
- 4) taking control.

(2) The Coast Guard after co-ordination with a ship-owner may issue an order to the master of a Latvian ship to proceed to the place of a casualty and perform necessary activities for the prevention, reduction or elimination of marine pollution.

(3) Implementing the orders referred to in this Section each person shall make every effort to eliminate or reduce the danger, which threatens human life.

(4) Taking the measures referred to in this Section the Coast Guard, the State Environmental Service and other competent institutions shall comply with the requirements of the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, its Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, and Annexes thereof.

(5) If non-conformity with the requirements of the laws and regulations governing the maritime matters or some information cause any suspicions that the ship, which is voluntarily present in the port of Latvia or offshore platform, is involved or involves in discharge of oil, hazardous or other harmful substances in the waters, ports of Latvia, straits used for international navigation, then, taking into account the regime of transit passage, as laid down in Part III, section 2, of the 1982 United Nations Convention on the Law of the Sea, to the extent that a Member State exercises jurisdiction over such straits, the Coast Guard, the State Environmental Service or other competent institution shall ensure performance of appropriate inspection in accordance with the laws and regulations governing the performance of such inspections taking into account the relevant guidelines of the International Maritime Organization.

(6) If the inspection referred to in Paragraph five of this Section reveals facts that could indicate a violation of the prohibition referred to Section 51, Paragraph three of this Law, the State Environmental Service shall inform the competent authorities of the relevant Member State of the European Union (hereinafter – the Member State) and of the flag State thereof.

(7) If the discharge of oil, hazardous or other harmful substances takes place in the territorial waters of Latvia, exclusive economic zone of Latvia or similar zone which is established in accordance with international law, straits used for international navigation and if the ship, which is suspected of the discharge does not call at a port of the Member State holding the information relating to the suspected discharge, then, taking into account the regime of transit passage as laid down in Part III, Section 2, of the United Nations Convention on the Law of the Sea, 1982, to the extent that a Member State exercises jurisdiction over such straits and offshore, the following shall apply:

1) if the next port of call of the ship is in another Member State, the State Environmental Service in co-operation with a competent institution of the relevant Member State shall perform the inspections referred to in Paragraph five of this Section and decide on

the appropriate measures in accordance with the laws and regulations in respect of such discharge;

2) if the next port of call of the ship is a port of a State other than the Member State, the State Environmental Service shall take the necessary measures to ensure that the next port of call of the ship is informed about the suspected discharge and shall request the competent institution of State of the next port of call to take the appropriate measures in accordance with the laws and regulations in respect of such discharge.

(8) If the ship, which is present in the port of Latvia, navigates in the territorial waters of Latvia or in straits used for international navigation, has had a discharge, then taking into account the regime of transit passage, as laid down in Part III, section 2, of the 1982 United Nations Convention on the Law of the Sea, to the extent that a Member State exercises jurisdiction over such straits, the Coast Guard in co-operation with the State Environmental Service in conformity with laws and regulations shall commence investigation of the infringement, where appropriate, detaining the ship until clarification of circumstances and receipt of guarantee from a ship-owner, agent or insurer regarding payment of the applied fine and compensation of damages caused to the environment.

(9) In the cases referred to in Paragraphs seven and eight of this Section the State Environmental Service shall notify the Maritime Administration of Latvia and the Transport Accident and Incident Investigation Bureau thereon without delay.

*[10 November 2005; 10 May 2007; 16 June 2011]*

## **Section 55. Condition for the Receipt of Compensation**

(1) A person who has suffered losses due to pollution or incurred expenditures during the process of pollution elimination in conformity with the conditions of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (hereinafter – the Fund Convention) may request compensation from this fund.

(2) In all cases when the Fund Convention is not applied, including the case of prevention of pollution threats, a person who has incurred expenditures related to the participation in activities that were performed in conformity with the orders specified in Section 54 of this Law is entitled to request reimbursement from the entity that caused pollution threats in accordance with the procedures laid down in the Civil Procedure Law.

## **Chapter VII Hydrography**

### **Section 56. Hydrographic Surveys and Research**

(1) The following hydrographic research and geodesic work shall be performed in Latvian waters in conformity with the recommendations of the International Hydrographic Organization:

1) depth surveys in conformity with the international hydrographic survey requirements in waters, which are actively used for navigation;

2) depth measuring and general hydrographic research in Latvian waters for cartographic and other economic needs;

3) depth measuring for planning, performing and control of dredging works;

4) searching for sunken objects;

5) [23 June 2016];

6) geodesic research of coastal, hydro-technical and hydrographic constructions;

7) hydrographic work related to the use of the sea for the needs of State authorities;

8) development and maintenance of a database of hydrographic surveys and researches.

(2) The Maritime Administration of Latvia shall organise and carry out the hydrographic research and geodesic work specified in Paragraph one of this Section.

(3) The surveys made by the Maritime Administration of Latvia shall be considered as official hydrographic surveys in the Republic of Latvia.

*[30 October 2003; 28 October 2004; 16 June 2011; 30 April 2015; 16 June 2016]*

### **Section 57. Nautical Publications**

(1) The Maritime Administration of Latvia shall organise compilation, maintaining and distribution of the following nautical publications [electronically and (or) in a printed form]:

1) No. 01 “List of Aids to Navigation in the Waters of the Republic of Latvia”;

2) No. 02 “A Catalogue of Navigational Charts and Publications”;

3) No. 03 “Symbols and Abbreviations of Latvian Navigational Charts”;

4) No. 04 “Pilot of the Baltic Sea. The Coastline of Latvia”;

5) “Notices to Mariners”;

6) Navigational charts (the sea and ports) in conformity with the publication No. 02 “A Catalogue of Navigational Charts and Publications”.

(2) Nautical publications issued by the Maritime Administration of Latvia in conformity with Paragraph one of this Section are official nautical publications of the Republic of Latvia.

(3) Electronic navigational charts of Latvian waters (the sea and ports) prepared by the Maritime Administration of Latvia shall be equivalent to paper navigational charts if they are used in relevant certified electronic navigational chart display and information systems (ECDIS).

(4) Hydrographical survey depths, namely, height of sea surface in metres above seabed, in Latvian waters shall be brought to the mean sea level which is related to the European Vertical Reference System (EVRS).

*[30 April 2015]*

### **Section 58. Notifications Regarding Non-conformity of the Aids to Navigation and Obstacles to Navigation**

(1) Any ship, which has determined the non-conformity of the aids to navigation and obstacles to navigation included in the charts, the pilot or the navigational publication “Ugunis un zīmes Latvijas Republikas ūdeņos” [List of Aids to Navigation in the Waters of the Republic of Latvia] shall notify thereof the Coast Guard or the nearest Harbour Master who shall provide this information to the Maritime Administration of Latvia.

(2) Natural or legal persons, who administer and manage the aids to navigation, shall notify the Maritime Administration of Latvia without delay regarding any changes in the operation of the aids to navigation. The referred to persons shall be liable in accordance with laws and regulations for failure to provide such notification in a timely manner.

(3) The Maritime Administration of Latvia shall carry out the duties of the national coordinator on the basis of the special publication S-53 “Global Navigational Warning System” of the International Hydrographic Organization, International Maritime Organization and the World Meteorological Organization (IHO/IMO/WMO).

*[30 October 2003; 16 June 2011; 30 April 2015]*

### **Section 59. Marking of Waterways on Site and Charting**

(1) Waterways shall be marked on site and charted in conformity with the results of hydrographic, hydrologic and other waterway research.

(2) Technical aids to navigation shall be used for waterway marking in conformity with the system for region “A” specified by the International Association of Marine Aids to Navigation

and Lighthouse Authorities (IALA). Within the meaning of this Law the technical aids to navigation are lighthouses, buoys, spar buoys, leading line marks, means of radio navigation, equipment of the Vessel Traffic Service (VTS) or other equipment to be used for navigation, which has been established in order to ensure safe navigation.

(3) [10 November 2005]

[10 November 2005; 30 April 2015; 16 June 2016]

### **Section 60. Maintenance of System of the Aids to Navigation**

(1) The Maritime Administration of Latvia shall organise the establishment and general supervision of a system of the aids to navigation in Latvian waters. The system of the aids to navigation shall consist of the technical aids to navigation referred to in Section 59, Paragraph two of this Law.

(2) It is prohibited to establish, remove or change any technical aids to navigation if the written consent of the Maritime Administration of Latvia has not been received in advance.

(3) The Cabinet shall determine the technical requirements for the aids to navigation taking into account the requirements of international regulatory enactments, as well as the procedures for ensuring the operation of the aids to navigation, and the obligations and rights of the possessors thereof.

(4) The Maritime Administration of Latvia is entitled to have access to the technical aids to navigation at any time in order to perform control thereof.

[30 October 2003; 10 November 2005; 30 April 2015; 16 June 2016]

### **Section 61. Light Sources Interfering with Navigation**

The Maritime Administration of Latvia is entitled to request in writing natural or legal persons to eliminate light sources not related to navigation, which interfere with the use of aids to navigation or may be wrongly perceived as the aids to navigation. The natural or legal person shall eliminate the referred to light sources at his or her own expense.

[30 October 2003; 30 April 2015]

### **Section 62. Movement of Obstacles to Navigation**

(1) The Maritime Administration of Latvia has the right to issue an order to move any object, which has become or may become an obstacle or interference to navigation.

(2) If an object referred to in Paragraph one of this Section is located in a port area, the duties of the Maritime Administration of Latvia referred to in this Section shall be carried out by the relevant port authority.

[30 October 2003]

## **Chapter VIII Marine Geospatial Information**

[30 April 2015]

### **Section 63. Description of Marine Geospatial Information**

Marine geospatial information, which is obtained, compiled and maintained by the Marine Administration of Latvia, shall cover at least the following aspects of the operation to be carried out in the sea:

- 1) sea depth surveys;
- 2) fairways;
- 3) marine aids to navigation;

- 4) military practice areas;
- 5) location of submarine cables and pipelines;
- 6) ship wrecks.

## **Section 64. World Geodetic System 1984**

When compiling, maintaining and using marine geospatial information, the World Geodetic System 1984 WGS84 shall be used.

### **Transitional Provisions**

1. Up to the issuance of Cabinet Regulations provided for in Section 35, Paragraph two and Section 46, Paragraph two, but not longer than until 1 January 2004, the following Cabinet Regulations are applicable insofar as they are not in contradiction with this Law:

- 1) Cabinet Regulation No. 101 of 24 March 1998, Regulations On Segregated Ballast Oil Tankers;
- 2) Cabinet Regulation No. 58 of 15 February 2000, Regulations Regarding Search and Rescue in Case of Aviation and Marine Accidents;
- 3) Cabinet Regulation No. 146 of 18 April 2000, Procedures for Registration of Ship Passengers;
- 4) Cabinet Regulation No. 156 of 25 April 2000, Regulations on Reporting Dangerous and Polluting Cargoes of Vessels.

2. By 1 January 2004 the Cabinet shall approve the national contingency plan for cases of oil pollution in the sea referred to in Section 53, Paragraph one of this Law.

3. [30 October 2003]

4. The Cabinet shall, by 1 June 2004, issue the regulations referred to in Section 7, Paragraph two of this Law.

*[30 October 2003]*

5. The Cabinet shall, by 1 July 2007, issue the regulations referred to in Section 45, Paragraph three of this Law.

*[30 October 2003; 10 November 2005; 15 June 2006]*

6. The new wording of Section 26 of this Law shall come into force on 1 July 2005.

*[28 November 2004]*

7. Amendments to Section 27 of this Law (regarding the deletion of the second sentence of Paragraph three and the new text of Paragraph four) shall come into force on 1 January 2006.

*[28 October 2004]*

8. The Cabinet shall, by 1 January 2005, issue the regulations referred to in Section 17, Paragraph four and Section 24, Paragraphs five and six of this Law.

*[28 October 2004]*

9. The Cabinet shall, by 1 July 2006, issue the regulations referred to in Section 26, Paragraph two of this Law.

*[28 October 2004; 10 November 2005; 19 June 2008]*



10. The Cabinet shall, by 1 January 2006, issue the regulations referred to in Section 7, Paragraph three; Section 16, Paragraph two; Section 19, Paragraph five and Section 27, Paragraph four of this Law.

*[28 October 2004]*

11. The Cabinet shall, by 1 January 2007, issue the regulations referred to in Section 18, Paragraph four; Section 50, paragraph four and Section 60, Paragraph three of this Law.

*[10 November 2005]*

12. Until the issuance of the Cabinet regulations referred to in Section 18, Paragraph four; Section 50, Paragraph four and Section 60, Paragraph three of this Law, the following regulatory acts of the Ministry of Transport shall be applied:

1) Ministry of Transport Regulation No. 22 of 3 September 2003, Regulations Regarding the Technical Requirements for the Aids to Navigation;

2) Ministry of Transport Regulation No. 26 of 19 September 2003, Procedures for the Supervision of Classification Societies (Recognised Organisations);

3) Ministry of Transport Regulation No. 30 of 19 December 2003, Regulations Regarding the Ensuring the Operation of the Aids to Navigation and the Marking of Waterways on-site; and

4) Ministry of Transport Regulation No. 8 of 21 April 2004, Procedures for the Investigation of Marine Casualties.

*[10 November 2005]*

13. The Cabinet shall, by 1 December 2007, issue the regulations referred to in Section 51, Paragraph eight of this Law.

*[10 May 2007]*

14. The Transport Accident and Incident Investigation Bureau shall start the implementation of the functions referred to in Section 8.1 of this Law from 1 June 2011. Until the time when the implementation of the function referred to in Section 8.1 of this Law is commenced by the Transport Accident and Investigation Bureau, the implementation thereof shall be ensured by the Accident Investigation Division of the Maritime Administration of Latvia.

*[10 May 2007; 13 December 2007; 19 June 2008; 22 October 2009]*

15. The Cabinet shall, by 1 January 2009, issue the regulation provided for in Section 6, Paragraph two of this Law. Until the coming into force of this Regulation the Cabinet Regulation No. 727 of 30 October 2007, Regulations Regarding the Pricelist of Paid Services Provided by the State Stock Company “Maritime Administration of Latvia”, shall be applied insofar as they are not in contradiction with this Law.

*[19 June 2008; 11 December 2008]*

16. The Cabinet shall, by 1 January 2009, issue the regulation referred to in Section 26, Paragraph one of this Law. Until the coming into force of this Regulation the Cabinet Regulation No. 856 of 15 November 2005, Regulations Regarding Procedures and Criteria for Supervision of the Conformity of Professional Education Programmes of Seafarers and Implementation of Professional Education of Seafarers, shall be applied.

*[19 June 2008; 11 December 2008]*

17. Amendments to Section 26, Paragraphs four, five and six of this Law in respect of training and certification of recreational craft operators shall come into force from 1 February 2009.

*[19 June 2008]*

18. The Cabinet shall, by 1 February 2009, issue the regulations provided for in Section 26, Paragraph four of this Law. Until the coming into force of this Regulation the Cabinet Regulation No. 994 of 20 December 2005, Regulations Regarding Certification and Training of Operators of Small-sized Navigation Means, shall be applied insofar as they not in contradiction with this Law.

*[19 June 2008; 11 December 2008]*

19. The Cabinet shall, by 1 July 2010, issue the regulations provided for in Section 11, Paragraph nine of this Law. Until the coming into force of this regulation the Cabinet Regulation No. 1042 of 27 December 2005, Regulations Regarding Specific Stability Requirements for Ro-ro Passenger Ships.

*[11 December 2008]*

20. Deleting of Section 5, Clause 9, amendments to Section 6, Paragraph one, Clause 25 and 29, Section 24, Paragraph five, six and seven of this Law shall come into force from 30 December 2010.

*[17 June 2010]*

21. The Cabinet shall, by 30 December 2010, issue the regulations provided for in Section 24, Paragraphs five and six of this Law. Until the coming into force of this Regulation the Cabinet Regulation No. 874 of 18 December 2007, Regulations Regarding Placement of Persons for Work on Ships, shall be applied insofar as they are not in contradiction with this Law.

*[17 June 2010]*

22. The Cabinet shall, by 1 March 2012, issue the regulations referred to in Section 26, Paragraph four of this Law. Until the day of coming into force of this Regulation:

1) Cabinet Regulation No. 753 of 7 July 2009, Regulations Regarding Certification of Recreational Craft Operators, shall be applied insofar as they are not in contradiction with this Law;

2) sailing yacht operators shall be trained and certified by a recognised sailing sports federation in accordance with the procedures laid down in the laws and regulations regarding recognition of sports federations;

3) operators of motor yachts, cutters and motorboats (if their length is from 2.5 to 24 metres) for navigation outside Latvian waters shall be trained by licensed training centres in accordance with the procedures laid down in the laws and regulations. After completion of training international operator certificates which give the right to operate recreational craft in Latvian waters and outside them shall be issued to operators of the abovementioned recreational craft by a recognised sailing sports federation in accordance with the procedures laid down in the laws and regulations regarding recognition of sports federations.

*[16 June 2011]*

23. Condition regarding exclusion of Section 5, Clause 8 and new wording of Section 18, Paragraph one shall come into force from 15 July 2011.

*[16 June 2011]*

24. [16 June 2016]

25. The Cabinet shall, by 15 July 2011, issue the regulations referred to in Section 50, Paragraph two of this Law. Until the day of coming into force of this Regulation the Cabinet Regulation No. 1612 of 22 December 2009, Procedures for Investigation of Marine Casualties, shall be applied, insofar as they are not in contradiction with this Law.

*[16 June 2011]*

26. The Cabinet shall, by 30 October 2012, issue the regulations provided for in Section 8.1, Paragraph one of this Law.

*[29 March 2012]*

27. The Cabinet shall, by 15 May 2012, issue the regulations provided for in Section 41.1, Paragraph three of this Law. Until the day of coming into force of this Regulation the Cabinet Regulation No. 592 of 9 August 2005, Procedures by which Notifications regarding Dangerous and Polluting Ship Cargoes are Provided, shall be applied, insofar as they are not in contradiction with this Law.

*[29 March 2012]*

28. The Cabinet shall, by 31 December 2015, issue the regulations referred to in Section 11, Paragraph ten of this Law.

*[30 April 2015]*

29. The Cabinet shall issue the regulations referred to in Section 48.1, Paragraph one of this Law by 31 July 2015.

*[30 April 2015]*

30. The Cabinet shall, by 31 December 2015, issue the regulations referred to in Section 18, Paragraph three, Clauses 1 and 2 of this Law. Until the day of coming into force of the relevant regulations, but not later than until 31 December 2015, the Cabinet Regulation No. 767 of 13 November 2007, Regulations Regarding Recognised Security Organizations in the Field of Navigation and Port Operation, shall be applied, insofar as it is not in contradiction with this Law.

*[30 April 2015]*

31. The Cabinet shall, by 31 December 2015, issue the regulations referred to in Section 19, Paragraph five, Clauses 1, 2, 3, 4 and 5 of this Law. Until the day of coming into force of the relevant regulations, but not later than until 31 December 2015, the Cabinet Regulation No. 748 of 13 November 2007, Regulations Regarding the Performance and Supervision of Functions for Ship and Shipping Company, Port and Port Facility Security, and the Cabinet Regulation No. 682 of 22 August 2006, Regulations Regarding the Division of Functions for Ship and Shipping Company, Port and Port Facility Security, shall be applied, insofar as it is not in contradiction with this Law.

*[30 April 2015]*

32. The amendment to Section 7 of this Law regarding the addition of Clause 8 to Paragraph one thereto shall come into force on 1 November 2015. Until the day of coming into force of this amendment the Cabinet shall issue regulations corresponding thereto.

*[30 April 2015]*

33. The amendment to Section 26 of this Law regarding supplementation of the second sentence of Paragraph two with the words “and also conditions for implementation of professional training programmes of seafarers” shall come into force from 31 December 2015.

Until the day of coming into force of this amendment the Cabinet shall issue regulations corresponding thereto.

*[30 April 2015]*

34. The amendment to Section 60, Paragraph three of this Law in respect of replacement of the words “aid to navigation” (in the relevant grammatical form) with the words “technical aid to navigation” (in the relevant grammatical form) shall come into force from 31 December 2015. Until the day of coming into force of this amendment, the term “aid to navigation” (in the relevant grammatical form) in Section 60, Paragraph three shall mean the term “technical aid to navigation” (in the relevant grammatical form). Until the day of coming into force of this amendment the Cabinet shall issue regulations corresponding thereto.

*[30 April 2015]*

35. The amendment to Section 6 of this Law regarding the addition of Paragraph five thereto shall come into force concurrently with the Public Services Law.

*[30 April 2015 / The abovementioned amendment will be included in the wording of the Law on the day of coming into force of the relevant amendments to the Public Services Law.]*

36. The amendment to Section 6 of this Law regarding the addition of Clause 7.1 to Paragraph one thereto and the amendment to Section 11 regarding the addition of Paragraph eleven thereto shall come into force on 1 January 2017. Until the day of coming into force of the these amendments the Cabinet shall issue regulations corresponding thereto.

*[16 June 2016]*

37. The amendment to Section 19 of this Law regarding the addition of a sentence to Paragraph four thereto shall come into force on 1 January 2017. Until the day of coming into force of this amendment the Cabinet shall issue regulations corresponding thereto.

*[16 June 2016]*

38. Amendments to Section 29 of this Law regarding addition of Paragraph 1.1 thereto, supplementing Paragraph two after the words “health examinations of seafarers” with the words “and applicants for the seafarer qualification”, supplementing Paragraph three after the words “seafarers ... shall be determined” with the words “and applicants for the seafarer qualification”, and also stating of Paragraph four in a new wording shall come into force from 1 January 2017. Until the day of coming into force of these amendments the Cabinet shall issue regulations corresponding thereto referred to in Section 29, Paragraph four of this Law regarding the criteria and procedures for recognising medical practitioners of seafarers, the procedures for cancellation of recognition of medical practitioners of seafarers, and also duties for medical practitioners of seafarers.

*[16 June 2016]*

39. Section 37.1 of this Law shall come into force on 1 July 2016. Until the day of coming into force of this amendment the Cabinet shall issue regulations corresponding thereto.

*[16 June 2016]*

40. The Cabinet shall, by 30 November 2017, issue the regulations regarding maritime search and rescue in the area of responsibility of the Co-ordination Centre (MRCC) in the cases of maritime and aviation accidents, and the regulations regarding the procedures by which co-operation between the Coast Guard and other institutions, the operation of the Co-ordination Centre (MRCC) and its sub-centres shall be conducted, and specify the Latvian area of responsibility referred to in Section 46, Paragraph two of this Law. Until the day of coming into force of the relevant regulations, but not later than until 30 November 2017, the Cabinet

Regulation No. 674 of 2 December 2003, Regulations Regarding the Search and Rescue in Case of Aviation and Maritime Accidents, shall be applied insofar as they are not in contradiction with this Law.

*[13 July 2017]*

41. Amendment to Section 5 of this Law regarding its supplementation with Clause 6.<sup>1</sup>, amendments to Section 6, Paragraph one of this Law regarding its supplementation with Clause 12.<sup>1</sup>, and the new wording of Clauses 13 and 13.<sup>1</sup>, amendments to Section 7, Paragraph one of this Law regarding the new wording of Clause 4 of Paragraph one, supplementation with Clause 4.<sup>1</sup> and deletion of Clause 6, and amendment to Section 45 of this Law regarding the deletion of Paragraph three thereof shall come into force on 1 January 2019.

*[4 October 2018]*

42. Sections 41.<sup>2</sup> and 41.<sup>3</sup> of this Law shall come into force on 1 January 2019. Until the day of coming into force of the these amendments the Cabinet shall issue regulations corresponding thereto.

*[4 October 2018]*

### **Informative Reference to the European Union Directive**

*[15 June 2006; 10 May 2007; 16 June 2011; 13 June 2013; 30 April 2015]*

This Law contains legal norms arising from:

1) Directive 2001/105/EC of the European Parliament and of the Council of 19 December 2001 amending the Council Directive 94/57/EC on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations (Text with EEA relevance);

2) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC; and

3) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;

4) Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations;

5) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council.

6) Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements;

7) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers;

8) Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers.

9) Directive 2009/13/EC of the Council of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

The Law has been adopted by the *Saeima* on 31 October 2002.

President

V. Vīķe-Freiberga

Rīga, 19 November 2002