

Maritime Law of Mongolia

28 May, 1999 Ulaanbaatar

SEA EXPLOITATION

Contents

Chapter 1 – General Provisions

Article 1 Purpose of the law

Article 2 Maritime legislation

Article 3 Scope of the law

Article 4 Definitions

Chapter 2 – Marine Activities

Article 5 Extraction of marine resources and fishing

Article 6 Marine transportation

Article 7 Exercise of technical control

Article 8 Duties of business entities intending to engage in marine activities

Chapter 3 – Registration of Ships

Article 9 Location of the registration port of vessels

Article 10 Powers of the registration port

Article 11 Ship Registry

Article 12 Flying the State flag of Mongolia on vessels

Chapter 4 – Vessel and its Crew

Article 13 Vessel

Article 14 Crew

Article 15 Captain, his duties and rights

Article 16 Danger to Vessel

Article 17 Marine statement

Article 18 Providing help

Article 19 Abandonment of the vessel

Article 20 Commitment of crime onboard of vessel

Article 21 Birth and death on board of vessel

Article 22 Penalties for breach of maritime legislation

MARITIME LAW OF MONGOLIA

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Translation from Mongolian

CHAPTER ONE

General Provisions

Article 1. Purpose of the law

1.1. The purpose of this law shall be to regulate relations related to extraction of marine resources, fishing, transportation and other marine activities by vessels flying the state flag of Mongolia.

Article 2. Maritime legislation

2.1. Maritime legislation shall consist of the Constitution of Mongolia¹, this law and other legislative acts enacted in conformity therewith.

2.2. If an international agreement to which Mongolia is a party provides otherwise than this law, then the former shall prevail.

Article 3. Scope of the law

3.1. This law shall apply to business entities irrespective of the type and form of ownership when they engage in marine activities by vessels flying the state flag of Mongolia.

3.2. The board of vessels flying the state flag of Mongolia shall be in exclusive jurisdiction of Mongolia.

Article 4. Definitions

4.1. In this law:

4.1.1. "vessel" means an engined or self-propelled engineering sailing structure, designated for marine activities;

4.1.2. "registration port" means an authority in charge of registration of Mongolian vessels;

4.1.3. "port" means a sea port wharf leased by business entities that are to engage in marine activities;

1 Constitution Of Mongolia was published in "State Messengers" bulletin, vol. 1, 1992

4.1.4. "International Register" means an international organization charged with duties of issuing and controlling the implementation of procedures for building of all types of vessels, materials used for building thereof, equipping them with ship equipment, fire-prevention, salvage and other equipment, drawing up drafts for vessels;

4.1.5. "seaworthiness" means conditions that meet requirements of ecology, safety and technical rules prescribed for the type and purpose of vessel in question, manned with complete professional crew, equipped with reserves and equipment of all kind;

4.1.6. "common accident" means a danger to a vessel and its cargo occurred in result of extraordinary natural calamity or force majeure.

CHAPTER TWO

Marine activities

Article 5. Extraction of marine resources and fishing

5.1. Extraction of marine resources and fishing by vessels shall be regulated by the state administrative central body in charge of those matters on the basis of special permission from a competent international organization.

Article 6. Marine transportation

6.1. Transportation of goods by vessels shall be regulated by the state administrative central body in charge of transportation matters in conformity with the laws of Mongolia and international agreements to which Mongolia is a party.

Article 7. Exercise of technical control

7.1. The state administrative central body in charge of transportation matters shall exercise technical control over vessels.

Article 8. Duties of the business entities intending to engage in marine activities

8.1. Business entities shall engage in marine activities within the norms and limits determined in international agreements.

8.2. Business entities that are to engage in marine activities shall have the following duties:

8.2.1. to have the technical completeness of the vessel surveyed by a professional body;

8.2.2. to have the vessel entered in the Register of Mongolian vessels and obtain a certificate of registration;

8.2.3. to operate the vessel according to the purpose for which it is intended;

8.2.4. to complete the vessel crew in conformity with relevant international conventions, to appoint and release the captain;

8.2.5. to appoint, transfer to another job and release the crewmen upon the permission of the captain.

8.2.6. to engage a pilot in necessary cases for the purpose of ensuring safety of the vessel upon agreement with professional body of the port.

8.3. Business entities that are to engage in marine activities shall have the following surveys performed by professional body of the port to determine:

8.3.1. whether the number of crewmen is not less than the minimum prescribed for the type and purpose of the vessel in question and whether all kinds of reserves are available;

8.3.2. whether the vessel documentation, crewmen diplomas, professional licenses and seafarers' certificates are completed in conformity with requirements of relevant international conventions;

8.3.3. whether hygiene and sanitary conditions of the vessel meet requirements of relevant international conventions;

8.3.4. whether communication equipment of the vessel meets requirements of relevant international conventions.

CHAPTER THREE

Registration of vessels

Article 9. Location of the registration port of vessels

9.1. Registration port of Mongolian vessels shall be located in the city of Ulaanbaatar.

9.2. The Government shall decide on the matters of establishment, transferring and closure of registration port.

9.3. The Government shall determine the procedure for registration of vessels.

Article 10. Powers of the registration port

10.1. Registration port of Mongolian vessels shall exercise the following powers:

10.1.1. to enter vessels in the Register of Mongolian vessels, to grant the certificate entitling them to fly the state flag of Mongolia, to remove them from the Register;

- 10.1.2. to design all kinds of licenses, certificates, and other documentation and have the designs approved by the relevant state administrative central body; .
- 10.1.3. to regulate matters of communicating with vessels by means of international signals in conformity with relevant international conventions;
- 10.1.4. to determine the nearest and future personnel needs, organize their personnel training in conformity with relevant international conventions; .
- 10.1.5. to elaborate and enforce health and labour condition requirements for crewmen in conformity with relevant international conventions;
- 10.1.6. to approve disciplinary rules to be observed by crewmen.

Article 11. Register of vessels

- 11.1. Registration port of Mongolian vessels shall register vessels in the ownership of the state, citizens, business entities and organizations in the Register of Mongolian vessels. Register of Mongolian vessels shall be open.
- 11.2. The vessels to be entered in the Register of Mongolian vessels shall meet requirements of the International Register.
- 11.3. The vessels entered in the Register under 11.1 of this article shall be registered with the Registration Office of Immovable Property.
- 11.3. A vessel shall be removed from the Register of Mongolian vessels if the operator has requested so, or the vessel has been written off, or transferred to another state, or if three months passed since the date of last communication with the vessel, or if it went missing for a period longer than six months in the regions of war and armed conflicts.

Article 12. Flying the state flag of Mongolia on vessels

- 12.1. The symbol determining Mongolian nationality of the vessel shall be the state flag of Mongolia.
- 12.2. Vessels registered with the Register of Mongolian vessels shall be entitled to fly the state flag of Mongolia.
- 12.3. The state flag of Mongolia shall be flown and depicted on vessels in accordance with provisions of Article 13, part 3 and Article 14, part 2 of the Law on State Symbols².

CHAPTER FOUR

Vessel and its crew

Article 13. Vessel

- 13.1. Vessels shall be equipped with such equipment as to protect health and lives of crewmen and passengers, preserve safety of cargo, and ensure conditions to prevent from sea pollution.
- 13.2. Seaworthy vessels only shall be put to sea.

Article 14. Crew

- 14.1. Citizens of Mongolia, foreign citizens or stateless persons with adequate professional skills and training, and meeting health requirements shall be employed as seafarers under contract in conformity with relevant international conventions.

Article 15. Captain, his duties and right

2 Law on State Symbols was published in " Ardyn Erh" newspaper, Nr. 116 of 15 June 1994 and "State Messenger" bulletin, vol. 6, 1994.

15.1. Captain shall direct crewmen.

15.2. Captain shall have the duties to protect health, lives and property of crewmen and passengers, preserve the cargo safe and sound.

15.3. Captain shall have the rights to reward crewmen and impose sanctions under disciplinary rules.

Article 16. Danger to vessel

16.1. Captain shall take necessary actions to prevent possible treat to health, lives and property of crewmen and passengers, vessel and cargo on its board, and to eliminate damage caused.

16.2. Captain shall mobilize passengers capable of working in case of danger of accident, manage property of passengers and cargo on board of vessel.

16.3. Damage caused to cargo and property on board of vessels shall be compensated in accordance with general accident rules provided in the international law.

Article 17. Marine statement

17.1. Where circumstances arising out of natural and technical accidents while the vessel is on sea or at port of call constitute grounds for property claims by shipowner, the captain may issue marine statement to the consul of the country of own nationality or to the competent official of the respective state in accordance with procedure prescribed by the respective port to protect rights and legitimate interests of shipowner.

17.2. In marine statement the circumstances of accident and actions taken by the captain to preserve safety of entrusted property shall be included.

Article 18. Providing help

18.1. Captain is obliged to arrive at the maximum speed of his vessel immediately on receipt of call for help during voyage to provide necessary help and undertake salvage actions.

18.2. In case of vessel collision captains shall, where possible, jointly determine ways of mutual assistance and assist each other by all possible means.

18.3. Damage caused by vessel collision and that, which occurred during salvage actions, shall be compensated for in accordance with general accident rules provided in the international law.

Article 19. Abandon of the vessel

19.1. In case of inevitable shipwreck the captain shall take actions to ensure safety of passengers and crewmen and render a decision to abandon the vessel.

19.2. Upon abandon of the vessel by passenger, and crewmen the captain shall collect ship documents and leave the vessel last.

Article 20. Commitment of crime on board of vessel

20.1. In case a crime is committed on board of vessel the captain shall conduct inquiry.

Article 21. Birth and death on board of vessel

21.1. In case of birth or death on board of vessel the captain shall draw up a document in the presence of two witnesses and a physician and record the event in the log-book.

21.2. The captain shall compile a list of belongings of the deceased person in the presence of two witnesses and keep them until transfer to the competent authority or person.

21.3. Immediately upon arrival in a port the captain shall transfer the body to the consul of the state of nationality of the deceased person.

21.4. In case the vessel performs a long voyage or extraordinary circumstances that render keeping the body impossible, it shall be buried in the sea according to sea custom after compiling relevant documents.

CHAPTER FIVE

Miscellaneous

Article 22. Penalties for breach of maritime legislation

22.1. Offending persons shall be subject to liability for breach of maritime legislation as provided in the legislation.

R.Gonchigdorj
Chairman of the State Ih Hural of Mongolia