

**Law**  
**of March 21, 1991**  
**on Territorial Waters**

**(Dz.U. of 1991: No 32, item 131; of 1994: No. 27, item 96; of 1995: No. 7 item 31; No. 47, item 243; of 1996: No. 34, item 145; of 1997: No. 111, item 726)**

**Division I.**  
**General Provisions**

**Article 1.**

1. The present law defines the legal status of the territorial waters of the Republic of Poland, the coastal zone, and the agencies of maritime administration and their powers.
2. The provisions of the present law do not apply if an international agreement to which the Republic of Poland is a party specifies otherwise.

**Article 2.**

1. The territorial waters of the Republic of Poland are:

- 1) Inshore sea waters;
- 2) The offshore zone;
- 3) The exclusive economic zone;

and they are henceforth referred to as "Polish territorial waters."

2. The inshore sea waters and the offshore zone are part of the territory of the Republic of Poland.

**Article 3.**

1. When so required by national defense or national security:

1) Zones closed to navigation and fishing may be established in the inshore sea waters and in the offshore zone.

2) Outside the inshore waters and the offshore zone, zones unsafe to navigation or fishing may be proclaimed.

2. The zones referred to in Paragraph 1 are established or announced by the minister of national defense in cooperation with the ministers of transportation and navigation and of internal affairs.

## **Division II.**

### **Polish Territorial Waters**

#### **Chapter 1.**

##### **Inshore Sea Waters**

#### **Article 4.**

Inshore sea waters are:

1) The part of Nowowarpienskie Lake and part of the Bay of Szczecin together with Swinia and Dziwna and Kamienski Bay, located east of the state frontier between the Republic of Poland and Republic of Germany, and the Odra River between the Bay of Szczecin and the waters of Szczecin Harbor.

2) The part of the Gulf of Gdansk demarcated by a baseline extending from latitude 54 degrees 37 minutes 36 seconds north and longitude 18 degrees 49 minutes 18 seconds east (on the Hel Peninsula to latitude 54 degrees 22 minutes and 12 seconds north and longitude 19 degrees 21 minutes and 00 seconds east (on the Vistula Spit).

3) The part of Vistula Bay located to the southwest of the state frontier between the Republic of Poland and the Russian Federation across that bay.

4) Harbor waters demarcated from the sea side by a line connecting the regular harbor facilities located farthest out in the sea and constituting an integral part of the harbor system.

#### **Chapter 2.**

##### **The Offshore Zone**

#### **Article 5.**

1. The offshore zone of the Republic of Poland extends 12 nautical miles (22,224 meters) out to the sea from its base line.

2. The base line of the offshore zone is the line of the lowest level of the water along the coast, or the external boundary of inshore sea waters.
3. The external boundary of the offshore zone is a line that is at every point 12 nautical miles distant from the base line, with the proviso of Paragraph 4.
4. The roadsteads at which the loading, unloading, and anchoring of vessels normally take place are, when located entirely or partially outside the offshore zone defined pursuant to Paragraphs 1 and 3, part of the offshore zone.
5. The boundaries of the roadsteads referred to in Paragraph 4 shall be defined by the Council of Ministers in an executive order.

#### **Article 6.**

1. Foreign vessels avail themselves, with the proviso of Paragraph 3, of the right of innocent passage across the offshore zone of the Republic of Poland.
2. Innocent passage signifies navigation across the offshore zone with the object of
  - 1) Crossing the offshore zone without entering the inshore sea waters or without mooring at harbor facilities or at the roadstead facilities located outside the inshore sea waters.
  - 2) Ingressing or egressing inshore sea waters.
  - 3) Mooring at or departing from the harbor facilities or roadstead facilities referred to in Paragraph 1.
3. The minister of national defense issues executive orders defining the passage of foreign warships across the Polish offshore zone and the conditions for their ingress into Polish inshore sea waters.

#### **Article 7.**

The passage should be uninterrupted and rapid. Stoppage or anchoring is permitted only if connected with ordinary navigation or necessitated by a force majeure or another danger or too with the object of rescuing and aiding people and sea-going vessels and airships that are in danger. During their passage, foreign fishing vessels are required to remove fishing gear from their decks or to stow it in a manner precluding use.

#### **Article 8.**

Passage is viewed as innocent so long as it does not menace the peace, public order, or security of the Republic of Poland.

## **Article 9.**

The passage is viewed as menacing the peace, public order, or security of the Republic of Poland if the foreign vessel or warship engages in the following operations while inside the offshore zone:

- 1) Threat of using force, or using force against the sovereignty, territorial integrity, or political independence of the Republic of Poland, or some other breach of the principles of international law contained in the United Nations Charter.
- 2) Exercises or use of weapons of any kind.
- 3) Gathering of information harmful to the defense or security of the Republic of Poland.
- 4) Propaganda intended to weaken the defense or security of the Republic of Poland.
- 5) Takeoff; landing, or reception aboard of any airship whatsoever.
- 6) Takeoff, landing, or reception aboard of any military facility whatsoever.
- 7) Loading or unloading of merchandise or foreign exchange, or embarkation or disembarkation of persons in violation of the customs, Treasury, immigration, or sanitation regulations of the Republic of Poland.
- 8) Deliberate pollution of the sea. 9) Conduct of fishery.
- 10) Conduct of hydrographic research or activities.
- 11) Interference with the communications systems or other facilities and installations of the Republic of Poland.
- 12) Any other activities not directly linked to the passage itself.

## **Article 10.**

1. If so necessitated by navigational safety, the minister of transportation and navigation may, in consultation with the minister of national defense, issue an executive order specifying the routes of passage within the offshore zone, traffic demarcation lines, and systems for reporting the ships' positions, as well as the procedure for monitoring the related movement of ships.

2. Passage routes and traffic demarcation lines are shown on sea charts.

## **Article 11.**

Foreign ships availing themselves of the right of innocent passage across the offshore zone are obligated to adhere to Polish law and international regulations governing the prevention of collisions at sea and the protection of marine environment.

## **Article 12.**

1. Polish criminal jurisdiction does not apply to crimes committed on foreign vessels during their passage across the offshore zone, unless:

- 1) The consequences of the crime extend to Polish territory.
- 2) The crime disturbs peace or public order in the offshore zone.
- 3) The captain of the ship, or the diplomatic or consular representative of the country whose flag is carried by the ship, requests the appropriate Polish authorities for assistance.
- 4) This is necessitated to combat illegal trafficking in narcotics or psychotropic substances.

2. The provisions of Paragraph 1 do not restrict the exercise of Polish criminal jurisdiction while the foreign vessel crosses the offshore zone after departing the Polish inshore sea waters.

3. With regard to foreign vessels crossing the Polish offshore zone, no action is taken with regard to a crime committed aboard a vessel before it enters said zone, if the vessel, voyaging from an alien seaport, merely crosses that zone without entering the Polish inshore sea waters.

4. The provision of Paragraph 3 does not apply if the deed committed violates the law of the Republic of Poland as defined in Article 17, or in the event of pursuit of perpetrators of pollution of the marine environment.

5. The agencies active in enforcement of criminal law are, upon the request of the captain of the ship, obligated to notify the diplomatic mission or appropriate consular office of the country whose flag the ship carries.

## **Article 13.**

1. A foreign ship crossing the Polish offshore zone may not be stopped with the object of exercising any activity relating to civil proceedings with respect to a person present aboard the ship.

2. With regard to a foreign ship crossing the Polish offshore zone, no proceedings in execution may be carried out, nor may the ship be seized in connection with any civil

proceeding, unless this concerns claims ensuing from the obligations contracted during or in connection with the passage of the ship across the Polish inshore sea waters or the Polish offshore zone.

3. The provisions of Paragraph 3 do not apply if the foreign ship stops in the Polish offshore zone or crosses that zone after departing the Polish inshore sea waters.

### **Chapter 3.**

#### **The Exclusive Economic Zone**

##### **Article 14.**

The exclusive economic zone of the Republic ' of Poland is herewith established.

##### **Article 15.**

The exclusive economic zone is located outside the offshore zone and adjoins that zone. It comprises waters, the sea bottom, and the earth's interior underneath.

##### **Article 16.**

1. The boundaries of the exclusive economic zone are defined by international agreements.
2. In the event of absence of the international agreements referred to in Paragraph 1, the Council of Ministers may issue an executive order defining the boundaries of the exclusive economic zone.

##### **Article 17.**

Within the exclusive economic zone the Republic of Poland exercises:

- 1) Sovereign rights with the object of identifying, managing, and developing the natural resources, both living and mineral, of the sea bottom and the earth's interior underneath, and of the waters covering them, as well as the protection of these resources and sovereign rights with respect to other economic projects within that zone.
- 2) Control over:
  - a) The construction and use of manmade islands, structures, and other facilities.
  - b) Marine scientific research.

c) Other rights specified in international law.

#### **Article 18.**

Within the exclusive economic zone foreign countries avail themselves of freedom of navigation and air passage, freedom to lay undersea cable and pipelines, and other ways, consonant with international law, of utilizing the sea as relating to these freedoms, with the reservation of provisions of the present law.

#### **Article 19.**

Within the exclusive economic zone the Polish law governing environmental protection applies.

#### **Article 20.**

The right to undertake and conduct fishery within the exclusive economic zone belongs exclusively to Polish-owned vessels, with the reservation of provisions of the present law.

#### **Article 21.**

Foreign fishing vessels may undertake and conduct fishery within the exclusive economic zone if the international agreement concluded between the Republic of Poland and the country of origin of the vessel provides for this possibility, or in the event that a permit is granted.

#### **Article 22.**

1. The Republic of Poland has the exclusive right to construct or grant permits for the construction and utilization of, within the exclusive economic zone, manmade islands and all kinds of structures and facilities designed for hydrographic research or identification or development of natural resources.

2. The manmade islands, structures, and facilities referred to in Paragraph 1 are subject to Polish law.

### **Chapter 4.**

#### **Manmade Islands, Structures and Facilities, Undersea Cable, and Undersea Pipelines**

### **Article 23.**

Permits for the construction and utilization of manmade islands, structures, and facilities within the Polish offshore zone and the exclusive economic zone are granted by the minister of transportation and navigation upon consulting the minister of environmental protection, natural resources, and forestry, while within the Polish inshore sea waters such permits are granted by the director of the local maritime office.

### **Article 24.**

Around the manmade islands, structures, and facilities, the director of the local maritime office may establish security zones extending not farther than 500 meters from any point on their outside margin, unless a different extent of the zone is permitted by universally accepted norms of international law or recommended by the appropriate international organization.

### **Article 25.**

Information on the construction of manmade islands, installation of structures or facilities, establishment of circumambient security zones, or total or partial dismantling of these islands, structures, or facilities, is made public in the official publications of the Hydrographic Office of the Navy.

### **Article 26.**

The laying and maintenance of undersea cable and pipelines within the inshore sea waters and the offshore zone requires permission from the director of the local maritime office.

### **Article 27.**

1. The laying and maintenance of undersea cable and pipelines within the exclusive economic zone is permitted if it does not complicate the enforcement of the laws of the Republic of Poland and on condition that the site and maintenance techniques be coordinated with the minister of transportation and navigation, who issues a related ruling upon consulting the minister of environmental protection, natural resources, and forestry.

2. The minister of transportation and navigation may withdraw his consent in the event of failure to adhere to the agreed-upon terms for the laying and maintenance of cable and pipelines.

## **Chapter 5.**

### **Scientific Research**



## **Article 28.**

Scientific research in Polish inshore sea waters and offshore zone may be conducted by foreign countries and foreign legal entities and individuals, and also by the appropriate international organizations, upon obtaining the approval of the minister of transportation and navigation.

## **Article 29.**

1. Scientific research within the Polish exclusive economic zone may be conducted by the countries, persons, and organizations referred to in Paragraph t upon obtaining the approval of the minister of transportation and navigation. An application for the permit, containing information on the intended research and its program, should be submitted not later than three months before the anticipated date of commencement of the research.

2. The minister of transportation and navigation, upon consulting the minister of environmental protection, natural resources, and forestry, refuses or with- draws approval if the scientific research threatens to pollute the environment. In the same way the minister of transportation and navigation may refuse to grant the permit for such research if it:

- 1 ) Directly conceros the natural resources of the zone.
- 2) Requires drilling the bottom, use of explosives, or the introduction of noxious substances into the marine environment.
- 3) Requires the construction or use of manmade islands, structures, or facilities.

## **Article 30.**

Foreign countries and foreign legal entities and individuals, as well as the appropriate international organizations, conducting scientific research in Polish territorial waters are obligated to:

- 1 ) Ensure the participation of Polish representatives in the research, inclusive of their presence on board of research vessels and at other facilities.
- 2) Notify the minister of transportation and navigation, upon his request, about the results of the research.
- 3) Provide the minister of transportation and navigation, upon his request, with access to all data and samples obtained in the course of the research.

4) Immediately notify the minister of transportation and navigation about any major change in the research program.

5) Immediately remove research facilities and equipment upon completion of research, unless a separate permit is obtained to let them stand.

### **Article 31.**

1. With reserve to par. 2 of this article, Polish legal entities and individuals may engage in scientific research in Polish territorial waters without a permit. Such entities and individuals are obligated to notify the director of the local maritime office about the area and method of conducting a research project 14 days prior to its commencement, and about the completion of the project.

2. The provisions of the law on maritime fishing shall apply to the fishing conducted with respect to the scientific research.

### **Article 32.**

The minister of transportation and navigation issues a ruling suspending research in the Polish territorial waters referred to in Articles 28 and 29, or revokes the permit issued pursuant to Article 29, if the research is conducted in contravention of the provisions of the present law, special regulations, or the terms of the permit granted, or if it causes negative consequences to the environment.

## **Chapter 6.**

### **Development of Mineral Resources**

### **Article 33.**

1. the right to identify, extract, and utilize mineral resources in Polish territorial waters belongs to the state.

2. The identification, extraction, and utilization of the mineral resources referred to in Paragraph 1 requires a permit from the minister of environmental protection, natural resources, and forestry, issued in consultation with the minister of transportation and navigation.

3. Foreign legal entities and individuals may participate in the identification, extraction, and utilization of the mineral resources referred to in Paragraph 1 if so envisaged in international agreements binding the Republic of Poland or on the basis of the permits referred to in Paragraph 2.

#### **Article 34.**

The investigation, exploration, identification, and extraction of mineral resources are governed by, respectively, the regulations concerning geological research, the extraction and utilization of fossil resources, and the provisions concerning the protection of marine environment, navigational safety, and life on sea.

### **Chapter 7.**

#### **Tourism and Aquatic Sports**

#### **Article 35.**

Tourism and aquatic sports in Polish territorial waters may be practiced on the terms of and in a manner consonant with the provisions of Polish law.

### **Chapter 8.**

#### **The Coastal Strip**

#### **Article 36.**

1. The coastal belt is the land area contiguous to the sea shore.
2. The coastal belt consists of
  - 1) The interface strip, or the zone of direct reciprocal influence of sea and land; this is an area intended to maintain the sea shore in a condition consonant with the requirements of safety and environmental protection.
  - 2) The protective strip, or the area within which human activities directly influence the condition of the interface strip.
3. The coastal belt runs along the sea shore.
4. The Council of Ministers issues an executive order defining the boundaries and width of the interface and protection strips.

#### **Article 37.**

1. The interface strip may be used for purposes other than that specified in Article 36, Paragraph 2, Point 1, upon the approval of the appropriate office of maritime administration which at the same time defines the terms of such use.

2. The establishment of fishery areas within the interface strip is prohibited.

3. Water-law permits and rulings on construction, changes in forest areas, afforestation, and establishment

of fishery areas, as well as the drafting and implementation of land use plans within the protective strip, require coordination with the director of the local maritime office.

4. All plans and blueprints relating to the management of the interface strip, the inshore sea waters, and the offshore zone are approved by maritime administration offices in coordination with the concerned coastal municipalities.

### **Division III.**

#### **Maritime Administration**

#### **Chapter I.**

#### **Organizational Structure of Maritime Administration Offices**

#### **Article 38.**

Maritime administration executives and offices are:

1 ) The minister of transportation and navigation.

2) The directors of local maritime offices; that is, of the field offices of the maritime administration.

#### **Article 39.**

1. The director of the local maritime office is under the jurisdiction of the minister of transportation and navigation.

2. The director of the local maritime office is appointed and recalled by the minister of transportation and

navigation. Deputy directors of local maritime offices are appointed and recalled by the minister of transportation and navigation upon the recommendation of the maritime office director.

3. The director of the local maritime office exercises his powers with the aid of his office.

4. The competencies of maritime offices include in particular: maritime inspection, harbormaster's powers and duties, harbor boatswain's powers and duties.

#### **Article 40.**

1. Maritime offices are established and abolished by executive orders of the minister of transportation and navigation.
2. The minister of transportation and navigation issues, upon consulting the concerned voivodes, executive orders defining the territorial scope of action of the directors of maritime field offices and the sites of these offices.
3. The organizational structure of maritime field offices and the specific scope of competencies of their directors is defined in statutes conferred by the minister of transportation and navigation.

#### **Article 41.**

1. Employees of maritime administration offices in specified rank categories wear uniforms while performing their service duties.
2. The minister of transportation and navigation issues executive orders defining the categories of employees obliged to wear uniforms, the procedure for the allocation of uniforms, and sample uniforms.

### **Chapter 2.**

#### **Responsibilities and Territorial Scope of Action**

#### **Article 42.**

1. Maritime administration offices are responsible for handling matters within the scope of government administration which relate to utilization of the sea to the extent regulated by the present law and other laws.
2. In particular, maritime administration offices are responsible for matters of
  - 1) Navigational safety at sea.
  - 2) Utilization of sea lanes and seaports and marine piers.
  - 3) Exercise of sea fishery and development of other living resources of the sea waters.

- 4) Safety of the research into and identification and development of the mineral resources of the sea bottom.
- 5) Protection of marine environment against pollution associated with the utilization of the sea and the dumping of garbage and other substances, except as otherwise provided in the provisions of geological and mining law.
- 6) Rescue and salvage, underwater work.
- 7) Specialized technical supervision.
- 8) Repealed.
- 9) Fire safety of polish sea areas and seaports and piers.
- 10) Coordinating decisions that concern issuing water law permits and construction permits in the areas of the interface strips, seaports and piers, inshore sea waters, and the offshore zone, as well as coordinating all other decisions that concern the management of that strip, unless specified otherwise in separate regulations.
- 11) Construction, maintenance, and protection of shore reinforcements, dunes, and protective affore station within the interface strip.
- 12) Designating the sea ways, anchoring areas and researching the conditions for their navigability.
- 13) Navigational marking the sea ways and anchoring areas in harbors, piers and the coast.

3. Maritime administration offices also are responsible for implementing tasks relating to international cooperation as regards the matters referred to in Paragraphs 1 and 2.

4. Decisions on matters referred to in Paragraph 2, Points 10 and 11, are issued upon consulting the appropriate local-government body.

5. This Act does not affect the Geological and Mining Law.

#### **Article 43.**

In matters belonging within the competencies of maritime administration offices and resolved by means of administrative proceedings, rulings in the first instance are issued by directors of maritime offices, unless, under special regulations, the office proper in the first instance is that of the minister of transportation and navigation.

#### **Article 44.**

1. Maritime administration offices operate in Polish territorial waters, at seaports and piers, and in the interface strip, unless special regulations specify otherwise.
2. Maritime administration offices also are responsible for implementing open-sea tasks specified by inter- national agreements and Polish law.

#### **Article 45.**

1. With the proviso of Article 5, Paragraph 4, the boundaries of seaports from the seaward side, and of their roadsteads, are, with the exception of naval ports, defined by the minister of transportation and navigation in cooperation with concerned ministers. The boundaries of seaports from the landward side are defined by the minister of transportation and navigation upon consulting the appropriate municipality councils.
2. Maritime office directors define, upon consulting the appropriate municipality councils or state border protection offices, the boundaries of dock areas.
3. The minister of national defense, in consultation with the minister of transportation and navigation, defines the boundaries of naval ports.

#### **Article 46.**

The minister of transportation and navigation in cooperation with the ministers of national defense and internal affairs defines the cooperation between maritime offices and the Navy and the Border Guards to the extent referred to in Article 42 and within the marine hydrography and cartography.

### **Chapter 3.**

#### **Regulations Issued by Field Offices of the Maritime Administration**

#### **Article 47.**

1. Directors of maritime field offices issue legal regulations under the powers vested in them by law.
2. With the proviso of Article 48, the regulations referred to in Paragraph 1 are issued in the form of executive orders.
3. The executive orders of the directors of maritime field offices are subject to publication in the official record of the voivodship proper for the field office concerned.

4. The executive orders referred to in Paragraph 3 take effect after 14 days from the date of their publication, unless they specify a different date or a date ensuing from the law under which they were issued.

#### **Article 48.**

1. To the extent not regulated by the provisions, when so needed for protection of life, health, or property, or a marine environment protection on the sea, in the harbor, pier and on the technical area - a maritime office director may issue regulations prohibiting or ordering particular modes of conduct.

2. The regulations referred to in Paragraph 1 are issued in the form of instructions for the maintenance of order.

3. repealed

4. An instruction for the maintenance of order takes effect on the day it specifies, but not earlier than on the day of its publication, in the manner defined in Paragraph 5 or 6.

5. An instruction for the maintenance of order is subject to publication in the official record of the voivodship proper for the maritime field office.

6. If it is necessary for an instruction for the maintenance of order to be immediately effective, it can be publicized by posting notices in the areas in which it is to apply and announced on the radio or by other means customarily applied in maritime navigation or in a given area. The day on which such an instruction is published is also the day of its promulgation.

7. An instruction for the maintenance of order promulgated in the manner defined in Paragraph 6 is next made public in the official record of the voivodship concerned.

#### **Article 48a.**

1. The issuance of provisions by the maritime offices shall be supervised by the Minister of Transport and Navigations.

2. Within the supervision, referred to in par.1, the Minister of Transport and Navigation revokes the contrary to the statutes and to the executory acts the provisions issued by the Directors of the maritime offices.

### **Chapter 4.**

#### **Exercise of Supervision**

#### **Article 49.**



Supervision over adherence to the provisions of the present law is exercised by the directors of the maritime offices.

#### **Article 50.**

1. In exercising the duties referred to in Article 42 par. 2 point 1-6 and point 9, maritime inspection has the right to:

- 1) Verify whether ships are authorized to perform the operations they are performing, and whether they have been granted the permits prescribed by law.
- 2) Verify whether the cruise, fishery, or other activity is performed in consonance with the binding provisions of Polish law and international agreements.
- 3) Detect pollutions of marine environment due to actions at sea, and to identify their perpetrators.

2. The powers referred to in Paragraph I are exercised as part of maritime inspection in cooperation with the Border Guard and on utilizing the latter's forces and resources.

3. In the event of the absence of a maritime inspector on board of a floating unit of the Border Guard, that Guard may independently exercise the powers referred to in Paragraph 1 on behalf of the field office of the maritime administration.

4. The transfer to the Border Guard of the resources owned by the maritime offices with the object of exercising the powers referred to in Paragraph 1 takes place by way of an agreement between the minister of transportation and navigation and the minister of internal affairs.

5. In the cases referred to in Paragraph 3, the powers of the maritime inspector defined in Article 51 and in Article 52, Paragraph 1, are correspondingly exercised by the commanders of the floating units of the Border Guard.

#### **Article 51.**

While exercising his official duties the maritime inspector, hereinafter referred to as "the inspector," is authorized to:

- 1) Check documents permitting marine fishery or other activities in Polish territorial waters.
- 2) Inspect fishing equipment and fish on the decks, in the processing premises, and in the holds of the ship.
- 3) Secure discarded fish and facilities serving to catch fish.

4) Demand explanations and perform functions needed to carry out inspections and, in cases of justified suspicion of violations of the present law or its implementing regulations, to:

- a) Retain the documents referred to in Point 1.
- b) Confiscate and secure fish and the objects used to catch them.
- c) Inspect the premises of the ship used to catch fish or engage in other activities in Polish territorial waters.

#### **Article 52.**

1. If there is justified suspicion of violation of the provisions of the present law, the inspector may inspect a foreign ship present in Polish territorial waters and force it to dock at a specified port, upon resorting to all necessary means.
2. The field office of the maritime administration immediately notifies the proper office of the country whose flag the foreign ship carries about the detention of the ship and its docking a Polish harbor.
3. Inspections relating to the protection of marine environment against pollution from ships are regulated by a separate law.

#### **Article 53.**

1. The captain of a ship located in Polish territorial waters is obligated, in response to a signal transmitted from a floating unit of the Border Guard, to stop the ship and make possible the performance of inspection activities.
2. The inspector is empowered to visit any ship engaging in any activity whatsoever in Polish territorial waters.
3. While the inspector is on a ship, the captain of that ship should enable him to verify adherence to the mandatory regulations and observe the activities under way, and in particular, the captain should:
  - 1 ) Provide needed explanations.
  - 2) Present demanded documents for inspection, inclusive of the ship log.
  - 3) Make possible the inspection of the fish catch and of the fishing and research equipment as well as of the samples and data collected during research.
  - 4) Provide access to the ship log for the purpose of making entries.

5) Provide access to means of communications as well as provide assistance in the transmission and reception of dispatches.

6) Provide any other assistance needed for the proper conduct of the inspection.

7) Provide the needed quarters and meals during a longer stay on board.

#### **Article 54.**

While performing service duties the inspector is obligated to wear a uniform and inspection insignia.

### **Division IV.**

#### **Fines**

#### **Article 55.**

1. A fine equivalent to 1,000,000 conversion units, termed "Special Drawing Right" (SDR), as defined by the International Monetary Fund, is imposed on a shipowner whose vessel is used to perform the following activities in violation of the provisions of the present law and other laws and their implementing regulations:

- 1) Exploitation of the mineral resources or living resources of the sea.
- 2) Pollution of the marine environment.
- 3) Scientific studies of the sea and the sea bottom.
- 4) Construction of manmade islands, structures, and facilities.
- 5) Laying of undersea cable and pipelines.

2. Whosoever violates the regulations governing the

maintenance of manmade islands, structures, facilities, and undersea cable and pipelines, is subject to a like fine.

2a. Paragraph 1 point 1, in part concerning the exploitation of alive sea resources shall not apply in cases specified in the law on sea fishing.

3. In cases determined in the provisions concerning the protection against sea pollution caused by vessels the provisions of par. 1 point 2 shall not apply.

## **Article 56.**

Whosoever:

- 1) Stops or anchors a vessel outside the location assigned to it;
- 2) Steers a vessel outside the water lanes or does not adhere to the course indicated by the proper authorities;
- 3) Steers a vessel into a zone closed to navigation and fishery and leaves fishing equipment within that zone;
- 4) Takes a vessel out of a port contrary to the prohibition imposed;
- 5) Loads or unloads freight from a vessel at a location other than that assigned thereto;
- 6) Establishes communications with the seacoast in a manner endangering navigational safety;
- 7) Leaves a vessel in a prohibited location;
- 8) Embarks or disembarks persons from a vessel in violation of customs, Treasury, immigration, or sanitation regulations;
- 9) Violates the regulations issued pursuant to Articles 47 and 48;
- 10) Disregards the prohibitions imposed in Article 52, Paragraph 1;
- 11) Damages shore structures, dunes, or protective tree belts, or otherwise violates the rules of conduct within the interface strip;
- 12) Damages or shifts navigation markers or uses them contrary to their purpose;
- 13) Activates equipment that adversely affects the efficacy of navigation markings;

is liable to a fine in an amount of not more than twenty times the average monthly wage paid in the socialized sector for the preceding year, as published by the chairman of the main statistical administration.

## **Article 57.**

1. The fines referred to in Articles 55 and 56 are imposed by maritime office directors in the form of administrative rulings.
2. The rulings referred to in Paragraph 1 may be appealed to the minister of transportation and navigation.

3. The rulings referred to in Paragraph 1 are endowed with the rigor of immediate enforceability.

#### **Article 58.**

1. A fine may not be imposed if five years have elapsed since the violation was perpetrated.
2. The fine imposed is not collected after the elapse of five years from the date the final ruling imposing the fine is issued.

#### **Article 59.**

1. To secure enforceability of fines, a maritime office director may demand bail of the violator, and in the event of a refusal, apply to an executive officer with the request to seize the ship or other objects by means whereof the regulations were violated.
2. Until the ship-seizure ruling is issued, the director of the maritime office orders detention of the ship, but for not more than 48 hours.
3. Securing the enforceability of a fine consists in the payment of a monetary deposit specified by the office conducting the proceedings, or in the provision of a bank guarantee by a bank or insurance institution maintaining an office in Poland.
4. The fines determined according to Articles 55 and 56, if not paid by the specified deadline, are subject, together with interest on arrears, to enforcement by the procedure defined in the regulations governing executive proceedings in administration.

#### **Article 60.**

The monetary fines collected constitute the revenues of the special means which are at the disposal of the minister of transportation and navigation and are earmarked for the protection of the marine environment and the living resources of the sea.

### **Division V.**

#### **Amendments to Binding Regulations**

#### **Article 61.**

In the Law dated 21 May 1963 on Sea Fishery (Dz.U. [DZIENNIK USTAW], No. 22, Item No. 115, 1963; No. 3, Item No. 14, 1970; and No. 37, Item No. 163, 1977), Chapter 7 is deleted.

## **Article 62.**

The Code of Procedure in Cases of Petty Offenses is amended as follows:

1) "Marine and" in the title of Section 13 is deleted.

2) In Article 143:

a) "Maritime offices and" in Paragraph 1 is deleted.

b) Paragraph 2 is reworded as follows:

"2. Verdicts in the first instance are pronounced by community courts under district and equivalent mining offices and in the second, by the community court under the Higher Mining Office."

3) In Article 144 Paragraph 2 is deleted.

4) In Article 145 "of the maritime office" is deleted. 5) Article 146 is deleted.

6) In Article 147 Paragraph t and the designation of Paragraph 2 are deleted.

7) Article 148 is deleted.

8) In Article 149 "of the maritime administration" is deleted.

9) In Article 150:

a) In Paragraph 1 "under the minister of navigation" is deleted.

b) In Paragraph 2 "correspondingly the minister of navigation and" is deleted.

10) In Article 151:

a) Paragraph 1 is reworded as follows:

"Paragraph 1. Overall supervision over the activities of community courts is exercised by the chairperson of the Higher Mining Office."

b) In Paragraph 2, "minister of navigation" is deleted and "they may" is deleted and "it may" is inserted in lieu thereof.

## **Article 63.**

In the Law dated 20 May 1971 on the Structure of Community Courts for Petty Offenses (Dz.U., No. 12, Item No. 118, 1971; No. 49, Item No. 312, 1972; No. 24, Item No. 142, 1974;

No. 16, Item No. 91, 1975, No. 45, Item No. 291, 1982; No. 35, Item No. 192, 1989; and No. 43, Item No. 251, 1990), Points 2 and 5 in Article 2, Paragraph 1, are deleted.

#### **Article 64.**

In the Law dated 24 October 1974 on Water Law (Dz.U., No. 38, Item 230, of 1974; No. 3, Item 6, of 1980; No. 44, Item 201, of 1983; No. 26, Item 139, and No. 35, Item 192, of 1989; No. 34, Item 198, and No. 39, Item 222, of 1990), Point 7 of Paragraph 2, Article 55, is reworded as follows:

"7) The accumulation of liquid and solid wastes within the interface strip and in the seaports-in cooperation with the director of the local maritime office."

#### **Article 65.**

In the Law dated 17 December 1977 on the Polish Marine Fishery Zone (Dz.U., No. 37, Item 163), Article 1, Paragraphs 1 and 2 of Article 2, and Articles 3-9 are deleted.

### **Division VI.**

#### **Interim and Final Provisions**

#### **Article 66.**

Proceedings concerning petty offenses commenced before community courts under maritime offices and not completed prior to the effective date of the present law are continued by these courts until their lawful completion pursuant to the existing regulations in force.

#### **Article 67.**

1. The agreements referred to in Article 16, Paragraph 1, are:

1 ) The Agreement between the Polish People's Republic and the Union of Soviet Socialist Republics on Demarcation of the Territorial Waters, the Economic Zone, the Marine Fishery Zone, and the Continental Shelf in the Baltic Sea, signed in Moscow on 17 July 1985 (Dz.U., No. 16, Item 85, 1986).

2) The Agreement on Demarcation of the Continental Shelf and Fishery Zones Between the Polish People's Republic and the Kingdom of Sweden, drawn up in Warsaw on 10 February 1989 (Dz.U., No. 54, Item 323).

3) The Agreement between the Polish People's Republic and the German Democratic Republic on the Demarcation of Territorial Waters in the Bay of Pomerania, signed in Berlin on 22 May 1989 (Dz.U., No. 43, Item 233).

2. Until an agreement on the demarcation of territorial waters between the Polish Republic and the Kingdom of Denmark is concluded, Article 2, Paragraphs 3 and 4, of the Law dated 17 December 1977 on the Polish Marine Fishery Zone (Dz.U., No. 37, Item 163), remains binding, with the proviso that the concept of the Polish marine fishery zone is interpreted as the Polish exclusive economic zone.

#### **Article 68.**

Directors of maritime offices determine and publish in the form of proclamations, in the proper voivodship official records, within six months from the effective date of the present law, lists of the binding legal regulations issued prior to said effective date. Regulations not named in the list cease to be binding.

#### **Article 69.**

Until the implementing regulations [executive orders] envisaged in the present law are issued, the existing regulations remain binding, unless they conflict with the present law.

#### **Article 70.**

The following become null and void:

1 ) The Decree dated 2 February 1955 on the Local Offices of the Maritime Administration (Dz.U., No. 6, Item No. 35, 1955; No. 6, Item 42, of 1961; No. 12, Item 117, of 1971; and No. 35, Item 192, of 1989);

2) The Law dated 17 December 1977 on the Territorial Waters of the Polish People's Republic (Dz.U., No. 37, Item 162).

3) The Law dated 17 December 1977 on the Continental Shelf of the Polish People's Republic (Dz.U., No. 37, Item 164, of 1977; and No. 35, Item 192, of 1989).

#### **Article 71.**

The present law takes effect on July 1, 1991.

President of the Polish Republic: L. Walêsa