

DECREE NO. 51

as of December 12, 2003 (city of Tbilisi)

of the Maritime Transport Administration of Georgia

considering verification of "the Rules of Keeping State Register and State Books of Vessels of Georgia and Maritime Mortgage Recording", "Maritime Disciplinary Regulations" and "Regulations on Security Systems of Ports, Vessels and Other Objects of Sea Transport of Georgia" (20.10.2009 N 146)

Pursuant to the Georgian Law "considering State Management and Regulation Rules of the Field of Transport and of Communications" and that "considering Standard Acts", it is hereby **ordered by me:**

To approve:

- a) "the Rules of Keeping State Register and State Books of Vessels of Georgia and Maritime Mortgage Recording"
- b) "Maritime Discipline Regulations"
- c) Removed (20.10.2009 N 146)
- d) Removed (20.10.2009 N 146)
- e) "Regulation Considering Investigation of Sea Incidents"; **invalid**(15.09.2009 N 123)
- f) "Regulations on Security Systems of Ports, Vessels and Other Objects of Sea Transport of Georgia" (15.09.2009 N 123)

Chairman

D. Tsintsadze

**THE RULES OF KEEPING STATE REGISTER AND STATE BOOKS OF VESSELS OF  
GEORGIA AND MARITIME MORTGAGE RECORDING**

**Article 1. General Regulations**

1. Present Regulations are processed pursuant to UN conventions "on Laws of the Sea" (1982) and "on Vessel Registration", in accordance with Georgian Maritime Code and it defines the rules of state registration of vessels, accounting and recording maritime mortgage, regardless the type of the vessel to be registered, and form of ownership and appropriation.
2. Implementation of these rules is obligatory for every shipowner.

3. Present Rules replace the Order No. 10 (as of January 28, 1999) of the Minister of Transport of Georgia considering verification of "the Rules of Keeping State Register and State Books of Vessels of Georgia", "the Rules of Recording Maritime Mortgage", "Maritime Disciplinary Regulations", "Provision on the Captain Service of the Port", "Provision on Marine Pilot Office" and "Regulation Considering Investigation of Sea Incidents".

## **Article 2. Implementing regulations**

Present Rules do not apply with:

- a) Military vessels and ships;
- b) galleys, bumboats, and other floating facilities owned by ships.

## **Article 3. Competent authorities**

State registration of vessels in Georgia are provided by:

- a) Georgian Administration of Maritime Transport to the State Register of Vessels;
- b) Port captain to the State Book of Vessels.

## **Article 4. Procedure of registration**

State registration of sea vessels is provided to the State Register of Vessels of State Book of Vessels through filing data about them and prescribing them to the ports of Georgia. Filing of records is provided in accordance with the order of registration.

## **Article 5. Registration vessels**

Following vessels are subject to registration to the State Register of Vessels of Georgia:

- a) Every sea vessel of 100 or more general capacity;
- b) Motor yachts providing navigation abroad.

2. Following vessels are subject to registration to the State Book of Vessels of Georgia:

- a) Every sea vessel with general capacity of below 100, which do not provide navigation abroad.

## **Article 6. Registration of foreign vessels of legal entities and individuals**

1. The sea vessels, indicated in the Article 5 herein, which do not belong to the foreign legal entities and individuals, may be recorded to the State Register of Vessels of Georgia or State Book of Vessels.

2. Foreign shipowners are eligible to appoint their representatives in Georgia.

## **Article 7. Registration index**

The vessels, which are subject to registration to the State Register of Vessels of Georgia or State Book of Vessels, are given five-figure number with index:

M - 00000 - the vessel with unlimited navigation area;

C - 00000 - the vessel with coastal navigation area.

## **Article 8. Right to fly a maritime flag of Georgia**

1. The right to fly a maritime flag of Georgia is conferred to the vessel upon its registration to the State Register of the Vessels of Georgia or State Book of Vessels.
2. Displaying State Flag on the vessel having no right to fly a maritime flag of Georgia is subject to legal action.

## **Article 9. Registration period**

Maritime Transport Administration is liable to include the vessel to the Register within 7 working days from receiving registration instruments.

Within legal bounds, Maritime Transport Administration shall become amenable for ungrounded refusal of registering the vessel.

3. Registration of the vessel may be refused if:

There is evident inconformity between condition and instruments of the vessel;

In case of absence of some documents needed for registration of the vessel.

4. The shipowner is responsible for accuracy of information needed for registration.
5. He/she is liable to notify in writing the registration authority about amendments related with the data of the vessel within 30 days.

## **Article 10. Lose of document**

In case of losing registration documents of vessel, Maritime Transport Administration will issue duplicate after full consideration of situation, declaration of losing registration documents of the vessel to the media at its own costs and their recognition as invalid. Publication may appear not to be needed if destruction of the documents is doubtful.

## **Article 11. Registration fee**

1. For registration of the vessel, the shipowner pays fee fixed by Maritime Transport Administration, which may be amended pursuant to the change of Georgia membership fee at International Maritime Organization.
2. Cost of radio station of the vessel is defined in accordance with the rate established by Georgian National Communications Commission.

## **Article 12. Distinguishing signs of vessel**

1. Upon registration of the vessel to the State Register of Vessels, it shall have distinctive inscription:

- a) Name of the Vessel - at the front side and erection of the ship (at navigation bridge level) on both boards and stern;
- b) Port of registry - at the stern (name of the vessel at the erection is written in English).
- c) Identification number of the vessel - pursuant to the Rule No. 5 of the Convention "about Saving Human Life" amended on 2002.

2. Upon registration of vessel to the State Book of Vessels, it shall have distinctive inscription:

- a) Name of the vessel and its registration number conspicuous place, (fishing fleet vessels may have other additional signs, at the discretion of the shipowner).

## **Article 13. Provisional certificate**

1. Provisional certificate is issued to the vessel for the period of 3 months, in accordance with the Paragraph 1, Article 14 of present Regulations.

2. During 3-month period, the shipownershall submit every instrument in compliance with the Paragraph 2, Article 14 present Regulations, after which permanent registration of the vessel will be provided with its annual updating.

# **CHAPTER II. STATE REGISTRATION OF SEA VESSELS**

## **Article 14. Instruments needed for registration**

1. For provisional registration of the vessel following instruments shall be submitter:

- a) Application for vessel registration (Form No. 1);
- b) Application form for registration of vessel radio station (Form No. 3, duplicate);
- c) Photocopy of Power of Attorney;
- d) Photocopy of sale-purchase agreement of the vessel or an invoice;
- e) Photocopy of international certificate of tonnage;
- f) For the vessels with 500 or more general capacity active certificates of classification society or certification of the fact that the vessel is under its supervision by classification society (for the vessels purchased at the auction);
- g) Copy of navigation right certificate of registering previous flag;

- h) Copy of certificates considering minimum of crew members for the purpose of provision of safe navigation;
  - i) Letter of the Shipowner - warranty of the vessel's being deregistered within the period of 3 months.
  - j) Photocopy of the certificate of conformity with the Code of Security Management System.
2. For permanent registration of the vessel following instruments shall be submitted:
- a) Application for vessel registration (Form No. 1, original copy)
  - b) Application form for registration of vessel radio station (Form No. 3, original copy);
  - c) Original copy of the power of attorney;
  - d) Notarized copies of the vessel sale-purchase agreement or invoice;
  - e) Certificate of removal of the vessel from previous registration register (original copy);
  - f) Copies of conventional certificates issued on behalf of Maritime Transport Administration of Georgia;
  - g) Copy of the certificate of of classification society issued by Maritime Transport Administration of Georgia;
  - h) Certificate of navigation suitabilityfor the vessels having general capacity of 500 or less'
  - i) Navigation Security Management Certificate;
  - j) Copies of company certificate and certificate of company establishment (if the company is new);
  - k) Original copy of the vessel inspection report;
  - l) Two photos (front and side view of the vessel).

#### **Article 15. Certificates on registration**

1. Following certificates are issued upon registration of the vessels to the State Register of Vessels:
- a) right to fly a maritime flag of Georgia (vessel patent);
  - b) Certificate of ownership of the vessel;
  - c) Certificate of minimum of crew members for the purpose of provision of safe navigation;
  - d) Certificate considering civil and financial liabilities for sea pollution with oil;
  - e) Certificate of radio station of vessel;

2. Upon registration of vessels to the State Book of Vessels, instead of the certificate stipulated in the Paragraph 1 herein, "Vessel Ticket" will be issued.

#### **Article 16. Registration of Bareboat-Charter Vessel**

Upon registration of bareboat - charter vessel, the right to fly a maritime flag of Georgia is issued regardless if vessel ownership right is transferred to the bareboat -charter shipowner or not, if after expiration of agreement term the vessel is returned to the owner.

The Certificate on ownership of bareboat - charter is issued after receiving agreement of bareboat-charter.

If the moment of granting ownership right on bareboat-charter on the vessel doesn't conform to that of signing bareboat-charter agreement, there is an instrument on ownership right issued by foreign competent government, together with original copies of the documents (or their copies) certifying ownership right of shipowner of Georgia on using it are kept at the vessel.

### **CHAPTER III. DEREGISTRATION OF MARITIME VESSELS**

#### **Chapter 17. Procedure of deregistration**

1. Complete deregistration of sea vessel from state registration is provided:
  - a) On the basis of application of a shipowner or a person having the right of using or managing it;
  - b) In case of decommission of the vessel or its final removal from exploitation;
  - c) In other cases foreseen by Maritime Code of Georgia;
2. Upon final deregistration of the vessel, the application shall be attached with certificates listed in the Article 15 herein, except cases when the fact of shipwrecking is certified;
3. Provisional deregistration of the ship is provided when the vessel is transferred to foreign country, individual or legal entity for temporary use or management, by ascribing the vessel and temporary changing of flag and at the initiative of the owner;
4. For temporary deregistration of vessel, following is needed:
  - a) Application of temporary deregistration of vessel, showing respective reasons, to be attached with the certificates listed in the Article 15 herein (excluding certificate of ownership right);
  - b) Copies of decisions of state management bodies (in case of state-owned vessels);
5. Deregistration of state-owned vessel (including temporarily) is provided in accordance with the decision of governmental institution;



6. Instruments submitted upon registration of vessel are kept at the Administration of Maritime Transport;
7. Instead of submitted instruments upon moving the vessel to the new registration place outside Georgia, temporary certificates are issued considering deregistration of certificates and the right of changing state flag;
8. The instruments are issued within 5 days from submission of application about temporary deregistration of the vessel.

#### **Article 19. Changing port of registry**

Changing port of registry in Georgia is provided based on the application by shipowner.

#### **Article 20. Storing instruments**

Certificate on changing bareboat-charter of flag is stored on board, until returning right to fly a maritime flag of Georgia.

Upon changing the flag, captain of the ship files date of state registration in foreign port to the certificate, which shall be notified to the Administration of Maritime Transport.

#### **Article 21. Retrieval of registration**

1. Upon returning of vessel under the flag of Georgia, a certificate on bareboat-charter deregistration of the vessel (if any) and certificate on temporary changing of state flag of Georgia shall be submitted.
2. After deregistration of the vessel from other country, based on temporary certificates, state Flag of Georgia will be displayed. Upon returning to the port of registration, temporary certificates shall be submitted to the Maritime Transport Administration, in exchange for new permanent instruments.

### **CHAPTER IV. RULES OF RECORDING MARITIME MORTGAGE**

#### **Article 22. General Provisions**

1. Maritime mortgage of vessel is provided pursuant to the Chapter XIII of Maritime Code of Georgia ("Maritime Mortgages") and International Convention on Maritime Liens and Mortgages 1993 and it becomes valid after registration to the State Register of Vessels of Georgia.
2. This Rule regulates only registration of maritime mortgages of vessels to the State Register of Vessels of Georgia and is realized in accordance with the Paragraph 2, Article 206 of Maritime Code of Georgia.

#### **Article 23. Method of Mortgage Registration**

1. The Shipowner (Renter), who leases (mortgages) own ship:

- a) shall fill application form on mortgaging (Article 24 Paragraph 1) and verify it with his/her signature and seal. If the Renter is an individual, his/her signature shall be notarized;
  - b) to submit original copy and notarized copy of vessel mortgage agreement, to be stored in the vessel file, and original copy will be returned to the Renter after comparison;
  - c) to submit original copy of vessel ownership certificate, on which note about mortgage shall be made.
2. Application of the Renter is issued at the Maritime Transport Administration of Georgia for its verification by the signature of the registrar of the vessel. Original copy of the application is stored in the file of the vessel.
3. Copy of the Application will be transferred to the lessee (creditor) and shipowner.

#### **Article 24. Content of Application considering mortgage registration**

Application consists of five parts and it includes:

- 1. Part a. vessel data:
  - a) Official number of vessel;
  - b) Name of the vessel;
  - c) Vessel port of registration;
  - d) Type of vessel;
  - e) General capacity of vessel;
  - f) Net capacity of vessel;
  - g) Length of the vessel;
  - h) Width of the vessel;
  - i) Height of the shipboard;
- 2. Part B. Requisites of mortgage
  - a) Full name and address of renter;
  - b) Full name and address of creditor (renter);
  - c) Details of mortgage;
  - d) Quantity of vessel share, which is loaded with mortgage;
  - e) Interest rate pursuant to the agreement foreseeing mortgaged request.
- 3. Part c. Transferring mortgage



- a) Full name and address of transferring mortgage;
  - b) Full name and address of recipient of mortgage;
  - c) Details of transferring.
4. Part d. Application on transferring mortgage
- a) After transferring mortgage full name and address of recipient;
  - b) Details of transferring;
  - c) Date of transferring mortgage;
  - d) Name and signature of applicant;
  - e) Date;
  - f) Place;
  - g) Name and signature of recipient of application;
  - h) Date;
  - i) Place;
  - j) Name of application recipient and date of application;
  - k) Qualification and signature of recipient of application.
5. Part e. Mortgage termination
- a) Details of mortgage completion/termination;
  - b) Signatures and seals of authorized persons.

#### **Article 25. Rule of registering mortgage of sea vessel under state ownership**

Registration of mortgage of sea vessel under state ownership is provided by participation of Georgian Law.

#### **Article 26. Method of mortgage transferring**

1. Mortgaged property is transferred in accordance with the Chapter XIII of Maritime Code of Georgia.
2. Upon transferring of mortgaged property the Lessor and the Lessee (applicant) fill original copy of application (Article 24), verifying with signature and seal of the transferor (or notarized if mortgage transferor is an individual).
3. Mortgage recipient fills Subparagraphs "a" and "h" of the Paragraph 4 Article 24.

4. Original copy of the application is returned to the Maritime Transport Administration of Georgia, and its copy is stored with both parties.
5. Registrar of State Register of Vessels makes new record in the certificate of vessel property, copy of which is transferred to the last applicant (Renter).
6. Previous "ownership certificate" of the vessel is returned to the State Register of Vessels.

#### **Article 27. Mortgage Termination**

1. Upon termination of mortgage, the creditor (lessor) declares in writing about fulfillment of liabilities by the Lessee, which shall be recorded to the original copy of this application to be certified with signatures and seal.
2. Registrar of State Register of Vessel issues new "Ownership Certificate".

### **CHAPTER V. TRANSITIONAL PROVISIONS** *(25.03.2011 No. 60)*

#### **Article 28. Selection of Registration of Vessels to the State Register** *(25.03.2011 No. 60)*

1. To stop vessel registration to the State Register for the period of 6 months, except fishing boats floating in the territorial waters of Georgia and small-tonnage vessels working in the waters of the port.
2. In exceptional cases registration of vessels is allowed on the basis of the order of the head of Joint Transport administration, if:
  - a) Age of the vessel is not more than 12 years;
  - b) The vessel is the member of International Association of Classification Society under the supervision of Classification Society;
  - c) The vessel conforms to the requirements recognized by International Maritime Organization considering navigation safety, security, environmental protection and crewmembers.
  - d) The vessel has not been occupies during last 12 months.

### **MARITIME DISCIPLINARY REGULATIONS**

#### **Preamble**

Maritime Disciplinary Regulations are prepared in compliance with the requests of the Convention of 1995 considering training, attestation and watchkeeping of the sailors of International Maritime Organization, International Organization of Labor and International Code of Management Safety, Maritime Code of Georgia and pursuant to the maritime traditions. Present Rules replace the Order No. 10 (as of January 28, 1999) of the

Minister of Transport of Georgia considering verification of "the Rules of Keeping State Register and State Books of Vessels of Georgia", "the Rules of Recording Maritime Mortgage", "Maritime Disciplinary Regulations", "Provision on the Captain Service of the Port", "Provision on Marine Pilot Office" and "Regulation Considering Investigation of Sea Incidents".

Observing discipline in sea transport is of extreme importance, as safety of the crew, vessel and cargo often depends on the discipline. The sailors at the vessel live, work and rest in the same conditions in restricted circumstances, which somehow influence upon their psychological conditions and dispose them to stress.

Established norms of conduct shall not turn into convenient means for punishment of a person. Complying with them shall condition business atmosphere and formation of healthy microclimate onboard.

One of the most effective forms for establishment of discipline is self-discipline, which considers conscientious attitude of each sailor towards their obligations, warm and friendly relation of crewmembers to each other, which is necessary condition for effective work of whole crew.

Fighting against breach of self-discipline shall be based on the well-known concepts considering discipline and provisions of present Regulations about reasonable rules of conduct.

In order to provide effective and safe working of ship crew, brief, clear and grounded orders are to be made. Such order is gladly fulfilled by a man. If order is unclear and vague, in response to the demand, addressee of the order shall be given clear, convincing explanation about the order.

Repeated or intentional refusal for fulfillment of order or other anti-social action shall not be left without reaction.

Complying with present Regulations gives rise to the turning of navigation into the needed, pleasant and safe case to those, who selected being a sailor for profession. We shall remember that sometimes at one glance minor breach may turn into the reason for creation of dangerous situation onboard.

## **CHAPTER I. GENERAL RULES OF CONDUCT UNDER ORDINARY (NORMAL) CONDITIONS**

### **Article 1. Validity of Regulations**

Present Regulations are subject to the sailors of civil vessels floating under the Georgian Flag, notwithstanding who owns it and what is the destination of the vessel.

### **Article 2. Implementation of liabilities**

Punctuality is extremely important, as for rapid and effective work of crew, so to avoid excess work for the colleagues. Coming to the vessel on time, returning to the vessel after retirement on time, watch crew and so on are meant here. Absence onboard of the ship on the moment of

leaving the port is deemed to be one of the most special and serious breaches, as it becomes the reason for stopping the vessel.

Fulfillment of business liabilities:

Each member of the crew is liable to fulfill business obligations imposed by the company in compliance with the International Code of Navigation Safety Management.

Crewmember is eligible to receive accurate and concrete information on whom he/she is subordinated to and what liabilities are imposed to him/her.

Crewmember is eligible to take accurate and concrete information about whom he is subordinated to and what liabilities are to be fulfilled by him. If crewmember has a doubt about particular issue, it shall be cleared out in accordance with positional subordination;

c) Crewmember is liable to fulfill every order and ordinances unconditionally within the bounds of his liabilities.

3. During navigation the vessel is as working, so residential place of the sailors. That is why, notwithstanding the fact the residential cabin or wealth of the vessel belong to one person or several people, there shall be order and cleanness.

### **Article 3. Prohibited conduct**

Smoking onboard is very dangerous. Especially at the tankers. Rule of smoking onboard, as well as open fire, or using nonstandard electric devices is established in accordance with fire safety rules.

Taking alcohol drinks at the ships are prohibited categorically.

Inviting foreigners to the ship shall be provided at the consent of the Captain within the bounds of the rules of the vessel and restrictions established by the Port Administration.

Any crewmember noticed in unauthorized possession, consumption and distribution of drugs onboard, will be dismissed at immediate basis, and he will be prohibited to work at sea transport in the future.

Storage of firearm (ammunition) weapons onboard is categorically prohibited. Mentioned action will be subject to deregistration from the vessel.

The sailor shall treat other members of the Crew politely and kindly. Antisocial conduct of a sailor may give rise to irritation of the crewmembers, and if such conduct takes place under state of emergency, it may give rise to danger as to the people, so the vessel. We may consider such actions as drinking alcoholic spirits, excess noise, humiliating expressions, personal habits humiliating others and others to be antisocial conduct.

## **CHAPTER II. NORMS OF CONDUCT UNDER STATE OF EMERGENCY**

### **Article 4. Norms of conduct under state of emergency**

At any state of emergency, when there crewmembers, passengers, vessel and cargo are in danger, the Captain and other managers are eligible to request immediate and unconditional implementation of order. There are no exceptions in connection with this Rule. Disobedience is deemed to be extremely serious violation of present Regulations, after which the offender will be dismissed and prohibited to work at sea transport.

## **CHAPTER III. DISCIPLINARY PUNISHMENT**

### **Article 5. Kinds of disciplinary punishment**

Pursuant to the severity of committed violation, the sailor may be punished in following way, he will be declared:

- a) Nonofficial (verbal) notification for minor violations;
- b) Official notification;
- c) Admonition;
- d) serious reprimand;
- e) Privation of instruments certifying professional suitability and deregistration from the ship;
- f) To dismiss from service, by divesting the right of working at the sea transport.

### **Article 6. Serious violations**

Violations listed below, if considered by the Captain to be undoubted, will be consequently followed by deregistration from the vessel at immediate basis or after completion of navigation (whichever is required). Herewith, the case may be referred to the court:

- a) Assaulting crewmembers and passengers;
- b) Intentional damage of the vessel and its property;
- c) Theft or storing stolen items;
- d) Storage of firearms;
- e) Refusing intentionally or repeatedly fulfillment of service duties;
- f) Taking, storage and distribution of drugs;
- g) Conduct, which endangers the ship;
- h) The conduct, which may give rise to the sea incident;
- i) To conspire for the purpose of preventing normal navigation;
- j) Disobedience, especially in case, when the order is related with safety of people and the vessel;
- k) Non-fulfillment of service duties as a result of insolvency, which occurs due to drunkenness and taking drugs;

- l) Smoking, open fire and using prohibited electronic devices at any part of the vessel, when the ship carries highly flammable cargo;
- m) Intimidation, coercion, impediment of other members of the crew;
- n) Conduct, which gives rise serious weakening of attention of the crewmembers to the safe and effective working;
- o) Such action of the crewmember in relation with other members, which may give rise to trauma or other injury with technical devices of the vessel;
- p) Conduct, which prevent seriously resting and cultural entertainment onboard;
- q) Supporting invitation and staying of foreign person onboard during navigation.

#### **Article 7. Minor violations**

Following are deemed to be minor violations:

- a) Such offences, listed in the Article 6 herein, which do not give rise to severe consequences and may not be considered sufficient for dismissal of the person.
- b) Minor misconduct expressed in carelessness, negligence and misunderstanding towards business duties;
- c) Unsatisfying working;
- d) Being late for the working place;
- e) Termination of working before fixed time;
- f) Not to come to the working place without good reason;
- g) Unauthorized leaving of working place or the ship;
- h) Aggressive or uneasy conduct, if it is not followed by heavy results.

#### **Article 8. Disciplinary punishment for minor violations**

1. For minor violations following are defined:

- a) Giving unofficial admonition by the person standing below captain in rank;
- b) Giving official notification by direct manager fixed in writing;
- c) Notification given by the captain, registered officially and recorded to the book of orders;
- d) Admonition given by captain and recorded in the book of orders.

2. In case of official declaration the sailor shall be notified with the results which may follow repeated violation.

#### **Article 9. Proceedings related to violation of disciplinary regulations**

- 1. Sailor, who violated the Regulations for the first time shall be invited for interview by the head of commanders or junior staff representative (at the captain's discretion), if it becomes evident to the commander that there is no need for taking additional disciplinary measures and that pursuant to the Article 7 and 8 it is sufficient to give unofficial admonition towards offence, representative of the staff of commanders will be the extent of such admonition.
- 2. In case of relatively more serious or minor, though repeated violation, the offender will be given official admonition, which will be registered with order or transferred to the captain for review. Every violation listed in the Article 6 herein shall be reviewed by a captain.
- 3. The captain shall review every case submitted to him at immediate basis. The captain is liable to notify the sailor about indictments against him, listen to him, as well as to his and

other witnesses and after thoroughly review of the case make decision if the person is guilty or not.

4. In case when the captain makes decision about existence of the fact of violation, taking into account characterization of the Sailor during whole period of his working, as well as other related circumstances, the captain makes decision about kinds of punishment in accordance with the Article 5 herein.

5. If the Captain considers staying of the offender of discipline onboard is malevolent for safe and effective work of the crew of the ship and it will influence negatively upon relationship of the crewmembers, he is eligible to deregister the sailor at the closest port.

6. The Captain makes records to the Book of Orders considering every minor detail and implemented activities related with the violation and sends copies of every instrument to the Maritime Transport Administration of Georgia.

7. Upon deregistration of the sailor from the vessel due to violations, he will be given duplicates of the records to the Book of Orders and reports submitted to the Maritime Transport Administration of Georgia, which shall be signed by him.

8. After obtaining report considering deregistration of the sailor from the ship to the Maritime Transport Administration, this latest reviews mentioned fact and makes decision considering further purposefulness of the sailor's working at the sea transport.

## **CHAPTER IV. SAILOR'S RIGHTS**

### **Article 10. Sailor's Rights upon Discussion of the Case Related with Violation of Disciplinary Regulations**

In every case of discussing the fact of disciplinary violation the sailor is eligible to be accompanied with one person (friend), who may give the sailor advices or make a report on his behalf.

### **Article 11. Protection of the Sailor's rights**

In case of being dismissed from service, the sailor may apply for any representative of any official organization of protecting personal interests, which will direct mentioned case to the management of the shipping company. In such case representatives of the two parties shall meet each other not later than within the period of five days.

## **CHAPTER V. MOTIVATION**

### **Article 12. Motivation of the Sailor**

Within the bounds of his competencies and financial capabilities permitted by the shipowner the captain is eligible to motivate the sailor, who distinguished himself, or to file petition on motivation to the management of the company.

Company management is eligible to use every known form of motivation within the bounds of Georgian legislation.



Regulations  
considering captain's office of the port  
Removed (20.10.2009 No. 146)

Regulations  
considering State Marine Pilot Office  
Removed (20.10.2009 No. 146)

Regulations  
considering Investigation of Sea Incidents  
Invalid (15.09.2009 No. 123)

## REGULATIONS ON PROTECTION OF PORTS, VESSELS AND OTHER OBJECTS OF MARITIME TRANSPORT

### Article 1. General Provisions

Purpose of existed Regulations is creation of the objects of maritime ports and sea transport, including the systems of protection of maritime vessels, which is based on the collaboration between the representatives of governmental bodies, local administrations and maritime navigation, in order to eliminate danger related with the vessels used for transshipment and protection of the means of navigation and taking measures to avoid such circumstances.

### Article 2. International Standards of Protecting Ports and Sea Ships

Security regime at the ports of Georgia verified by the regime regulation of 1995 is amended with present Regulations, which is brought to conformity with the amendments made in 2002 to the Convention of International Ship and Port Facility Security Code and Safety of Life at Sea (1974).

### Article 3. Tasks of Protecting Ports and Maritime Ships

Basic task of these Regulations is: avoidance of unsanctioned enters of people to the sea ships, bringing prohibited weapons, flammable devises or explosive substances to the port facilities and other objects of maritime transport and theft of cargo, as well as supporting adequate protection of the State Border of Georgia.

### Article 4. Designated Agency

Designated agency means Administration of Maritime Transport of Georgia, which represents regulatory body of the government in accordance with the Legislation of Georgia on maritime transport and it is the body, which is responsible for provision of realization of amendments made in 2002 to the Convention of Safety of Life at Sea (1974) and provisions of International Ship and Port Facility Security Code.

## **Article 5. Security Levels**

Subject to establishment of necessary activities of security, the Regulations:

- a) First level of Security - everyday, ordinary regime of security in compliance with the existed Regulations, during which they establish control on allowing people and cargo the port and sea ships. During such regime pass is issued to the individuals by administration of maritime port, and control is provided by national security and border protection agencies. They appoint a watchman from the port security office.
- b) Second level of security - Security regime related with the event of high danger for the security. During such level, at the specific period of time they take additional special measures of protecting port facilities and sea ships. They stiffen control of access to the ports and maritime vessels. Such regime is established by the Administration of Maritime Transport of Georgia through agreement of the Administration of Sea Ports and local governmental agencies.
- c) Third level of security - Regime of security means the level during which events related with security are evident and unconditional; herewith, in case of state of national emergence; in case of such level, access to the port and some terminals are restricted, protection of ports and vessels is strengthened, additional security measures and patrolling with border forces are provided; guardsman of border forces stands by the vessel.

## **Article 6. Port Security Plan**

1. Every port or separate terminal shall have security plan processed for the purpose of providing protection of the events of ports, port facilities or terminals, plans, cargo, freighters and reserves of the ship within the bounds of the port and terminal.
2. The plan shall include certain activities of each of the three levels of security.
3. Plan of protecting ports and terminals is processed by the managers of the services of ports and terminals. The Plan shall be agreed with the agencies of state security and border forces and recognized and approved by the Administration of Maritime Transport of Georgia.

## **Article 7. Responsibility for protection ports, terminals and maritime ships**

1. Administration of maritime ports is obliged for arrangement of security of ports and terminals, as well as sea vessels at the ports, through security forces of the services of ports and terminals.
2. Transferring security functions of ports, terminals and sea vessels to the private companies is prohibited.
3. Administration of objects and ports equips necessary buildings in order to locate security and border forces and employees of customs office.

## **Article 8. Person Responsible for Protection of Ports and Terminal**

Each port or terminal shall have manager of security, to be responsible for organization of security, processing, realization, correction and implementation of security plans. In order to provide respective security level, and provision of cargo storage, the manager establishes close relationship with border forces, state security agencies, customs offices and senior military-navy commanders of Naval Forces of the Ministry of Defense of Georgia.

## **Article 9. Pass Entry System**

Pass entry system includes:

- a) Rule of entry of persons and vehicles to the security object;
- b) Rule of entering-taking cargo, material valuables, personal items of the crewmembers, as well as their control;
- c) Measures strengthening access regime;
- d) Controlling validity term of passes; taking measures on elimination of detected defects;
- e) Arresting of the persons entering protected area illegally and rule of their detection;
- f) Control pass entry gates for passing of people and all kinds of overland transport; also for bringing in/taking out other material valuables.

## **Article 10. Security Facilities**

1. Subject to avoiding unauthorized access of foreign people to the protected area and maintenance of cargo from convention, the object shall be enclosed with walls and equipped with other respective engineer-technical devices along the perimeter;
2. Control pass entry gates shall be equipped respectively; places of their locations shall be agreed with border forces and customs offices;
3. Container terminals and open squares storing valuable general cargo and transport technique may be enclosed with walls, which exclude unauthorized access of foreign persons;
4. Security alarm system and television receiving set are installed either at the security post room or at the closest checkpoint of twenty-four-hour alert;
5. Protected area, perimeter of security fence, access line of port, places of loading-uploading services and storage facilities, exists shall be equipped with lighting complying with construction norms;
6. Storage facilities shall be equipped with fire alarm system in compliance of the norms of construction;
7. Security buildings, pass entry points and security posts shall be equipped with independent telephone and radio connection;
8. HR, freight and commercial offices, as well as passengers' docksides shall be located outside protected area;
9. Open road routes shall be equipped with guide signs in Georgian and English languages.

## **Article 11. Admission of the persons implementing business liabilities to the objects of security**

1. Personal working certificates with access right to the ports and terminals, as well as ships standing at the ports, notwithstanding national affiliation of the ship, are used by senior officials and managers of the Administration of Maritime Transport of Georgia, as well as the employees of the Navigation Security Office and legislative department, managers of the Center of Maritime Rescue-Coordination Center of Georgia, representatives of Naval Forces of the Ministry of Defense of Georgia in Batumi and Poti Ports, employees of captain office of the port, and employees of the Conventional Inspection of Black Sea Protection of the Ministry of Environmental Protection of Georgia.
2. Authorized employees of the State Rescue-Coordination Center of Georgia, ship agents, expeditors and surveyors use permanent passes.

3. Cargo recipients, senders of cargo and their representatives are allowed to the territory with temporary passes issued by the office of security of port or terminal, on the basis of the letter of expeditor company.
4. Crewmembers of the vessels standing in the port are allowed with the passport of the sailor or Sailor's Booklet. At the pass entry gates there shall be timetable of the crew, signed by the captain of the ship and stamped by respective maritime control seal.
5. Families of the crewmembers are allowed with the identification documents and lists submitted to the pass entry office signed by the ship captain and sealed with the seal of the vessel and respective stamp of border control.
6. Access of the employees of commercial, freight, mechanization offices is provided with the passes with the stamp of the pass entry office: "night", "day" or "24 hours".
7. Employees completing shift are not allowed to the territory of ports, territories and vessels.
8. Only the categories of the persons listed in the Article 1 and 2 herein and management of administration of maritime ports and terminals are allowed to the parking places of personal office cars.

## **Article 12. Rule of entering and taking cargo**

Taking out and entering of cargos to be loaded or uploaded from the ships, including material-technical supplies, are provided with respective instruments, on which there shall have the stamp of customs office "Load permitted" or "Pass permitted". Owner of the cargo, its recipient, agent or ship agent are imposed obligation to set such stamp.

Admission of passenger's luggage and hand luggage is provided from the pass entry point, at the ships or after passing customs control at the control halls.

Rule of admission-pass of railway equipment to-from the territory of the port is established with the security plan of the port or terminal, in accordance with the special working conditions.

4. Each entrance-leaving of road transport is subject to security control for the purpose of prevention of illegal bringing-taking of material valuables.

## **Article 13. Kinds of Passes**

1. For entering and leaving the territory of protected object, for bringing-taking cargo or material valuables following is established:

Permanent passes, for the period of one year;

Temporary passes issued for specific period of time, as a rule, for the period needed for loading-uploading of cargo or implementation of other related operations, for the period needed for implementation of various works or liabilities in the port or onboard, but in any case not later than for the period of one month;

- c) Single entry card of established form, which, as a rule, are issued for the period of loading-uploading of cargo or the period needed for implementation of other operations related with it, for the period needed for fulfillment of various works or liabilities in the port or at the ship, though in any case not later than for the period of three days.

2. Provision of pass office with blanks and recording journals is provided at the expense of protection of security objects. Port administration provides supply of checkpoints of border forces with the samples of valid passes of all kinds.

#### **Article 14. Rule of registering arresting of persons.**

1. Arresting the persons, who had unauthorized access to the protected area, as well as those, who appeared to have expired, other or counterfeit documents (or passes), is recorded in the two copies of statement, one of which is transferred to the border forces together with the arrested.
2. Security office separately provides registration of the events of arresting citizens or theft of material valuables.

#### **Article 15. Registration of Passes**

1. Recording and registration in relation with the passes is provided the security office. Form of registration books and rule of their keeping is established by the administration of maritime port.
2. Passes confiscated at the pass entry points are submitted to the access control office.
3. Passblanks, as well as materials of their registration are the instruments of strict reporting and shall be stored in the safe together with the seals and stamps.