



İstanbul :

Sayı

Our Reference : **1873**

Konu

Subject : Ukrayna Tarafından Uluslararası
Denizcilik Örgütüne İletilen Nota Hk

11.05.2018

Sirküler No:276 / 2018**İlgi** : Ulaştırma Denizcilik ve Haberleşme Bakanlığı, Deniz ve İçsular Düzenleme Genel Müdürlüğü'nün 03.05.2018 tarihli 32337 sayılı yazısı.

İlgi yazı ile,

- Türkiye'nin Londra Büyükelçiliğinden alınan, Ukrayna'nın Londra Büyükelçiliği tarafından üye ülkelere iletilmesi amacıyla Uluslararası Denizcilik Örgütü'ne (IMO) iletilen nota ve sirkülerinde; geçici olarak işgal altında olan Kırım Özerk Cumhuriyeti ve Sivastopol ile ilgili deniz alanlarında, Ukrayna'nın etkin kontrolünün olmamasından kaynaklanan risklere dikkat çekildiğinden bahisle, bu durumun söz konusu bölgede seyir emniyeti, trafik düzenlemeleri ve arama kurtarma faaliyetleri gibi hususlar bakımından arz ettiği tehlikelere değinildiği,

- Bu bağlamda, Ukrayna tarafından IMO'ya sunulan EK'teki sirküler ve nota'da özellikle; Rusya Federasyonu (RF) tarafından Kırım Özerk Cumhuriyeti ve Sivastopol ile ilgili deniz alanlarında denizcilik ile ilgili konuların üstlenildiğinden; seyir emniyeti, gemi sicil/belgelendirme ve gemiadamları sertifikasyonuna ilişkin yürütülen faaliyetlerin Ukrayna yasalarına uygun olmadığı, ISPS Kod kapsamında Kırım'da bulunan limanların Liman Tesisi Güvenlik Planlarının geri çekilmek zorunda kaldığı, bölgeyi ilgilendiren seyir neşriyatlarına (NOTİK Yayınları) ilişkin olarak RF tarafından tek taraflı olarak yapılan düzeltmelerin çeşitli deniz kazalarına ve olaylarına yol açtığı, yine bölgede RF tarafından tek taraflı yapılan NAVTEX yayınlarının deniz emniyeti bilgilerini etkilediği, söz konusu bölgedeki arama ve kurtarma görevleri kabiliyetlerinin azaldığı ve **15.07.2014 tarihinden sonra bahse konu bölgede RF tarafından veya Rus Klası (RMRS) tarafından denizcilikle ilgili olarak verilen herhangi bir belgenin geçersiz olduğu belirtilmektedir.**

Ukrayna tarafından IMO kanalıyla sirküle edilen konular EK'te sunulmaktadır.

Bilgilerinize arz ve rica ederiz.

Saygılarımla,

İsmail AŞASOĞLU
Genel Sekreter V.**EK:** İlgi yazı ve Eki (10 sayfa)**DAĞITIM:****Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S.S. Gemi Armatörleri Mot. Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 15,16,17,18,19,20,21,22,23,24,25,27,28,29,30 ve 47 No.lu Meslek Grupları Üyeleri
- İMEAK DTO Şubeleri ve Temsilcilikleri
- Türk Loydu Uygunluk Değerlendirme Hizmetleri A.Ş.
- KOSTBİR
- UND
- UTİKAD
- ROFED
- S.S. Deniz Tankerleri Akaryakıt Taş. Koop.
- Gemi Brokerleri Derneği
- KOSDER
- Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkan ve Üyeleri
- İMEAK DTO Meslek Komite Bşk.
- Türk Armatörleri İşverenler Sendikası
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Ayrıntılı Bilgi: Serkan İNAL **Telefon:** +90 212 252 01 30/157 **e-mail:** serkan.inal@denizticaretodasi.org.tr**Meclis-i Mebusan Caddesi No:22 34427 Fındıklı - İSTANBUL / TÜRKİYE**

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F.C.
ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI
Deniz ve İçsular Düzenleme Genel Müdürlüğü

Sayı : 19463099-199-E.32337
Konu : Ukrayna Tarafından Uluslararası
Denizcilik Örgütüne İletilen Nota Hk.

03.05.2018

İMEAK DENİZ TİCARET ODASI
Meclis-i Mebusan Caddesi No: 22 Pk:34427 Fındıklı BEYOĞLU / İSTANBUL

İlgi : Dışişleri Bakanlığının 02.04.2018 tarihli ve 13667018 sayılı yazısı.

İlgi yazıda, Türkiye'nin Londra Büyükelçiliğinden alınan, Ukrayna'nın Londra Büyükelçiliği tarafından üye ülkelere iletilmesi amacıyla Uluslararası Denizcilik Örgütü'ne (IMO) iletilen nota ve sirkülerinde; geçici olarak işgal altında olan Kırım Özerk Cumhuriyeti ve Sivastopol ile ilgili deniz alanlarında, Ukrayna'nın etkin kontrolünün olmamasından kaynaklanan risklere dikkat çekildiğinden bahisle, bu durumun söz konusu bölgede seyrüsefer emniyeti, trafik düzenlemeleri ve arama kurtarma faaliyetleri gibi hususlar bakımından arz ettiği tehlikelere değinildiği belirtilmektedir.

Bu bağlamda, Ukrayna tarafından IMO'ya sunulan bir örneği yazımız Ek'inde gönderilen söz konusu sirküler ve nota'da özellikle; Rusya Federasyonu (RF) tarafından Kırım Özerk Cumhuriyeti ve Sivastopol ile ilgili deniz alanlarında denizcilik ile ilgili konuların üstlenildiğinden; seyir emniyeti, gemi sicil/belgelendirme ve gemiadamları sertifikasyonuna ilişkin yürütülen faaliyetlerin Ukrayna yasalarına uygun olmadığı, ISPS Kod kapsamında Kırım'da bulunan limanların Liman Tesisi Güvenlik Planlarının geri çekilmek zorunda kalındığı, bölgeyi ilgilendiren seyir neşriyatlarına ilişkin olarak RF tarafından tek taraflı olarak yapılan düzeltmelerin çeşitli deniz kazalarına ve olaylarına yol açtığı, yine bölgede RF tarafından tek taraflı yapılan NAVTEX yayınlarının deniz emniyeti bilgilerini etkilediği, söz konusu bölgedeki arama ve kurtarma görevleri kabiliyetlerinin azaldığı ve 15.07.2014 tarihinden sonra bahse konu bölgede RF tarafından veya Rus Klası (RMRS) tarafından denizcilikle ilgili olarak verilen herhangi bir belgenin geçersiz olduğuna değinilmektedir.

Bu itibarla, bir örneği yazımız Ek'inde gönderilen Ukrayna tarafından IMO eliyle sirküle edilen konuların sektöre duyurulması hususunda bilgilerinizi ve gereğini arz/rica ederim.

e-imzalıdır

Durmuş ÜNÜVAR
Bakan a.
Genel Müdür V.

Ek : Sirküler ve Nota Örneği (9 sayfa)

Dağıtım:

Gereği:

Not: 5070 sayılı Elektronik İmza Kanunu gereği bu belge elektronik imza ile imzalanmıştır.

Evrak Doğrulama Kodu : DXAYPJNPSJKYGMQKAZXO Evrak Takip Adresi: <https://www.turkiye.gov.tr/udhb-ebys>
Hakkı Turaylıç Caddesi No:5 06338 Emek / Çankaya / ANKARA

Bilgi için: Alper KARAEYVAZ
Denizcilik Sörvey Mühendisi
Telefon No:3438

Bağlı/ İlgili/ İlişkili Kurum ve Kuruluşlar



TURKSAT



T.C.
ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI
Deniz ve İçsular Düzenleme Genel Müdürlüğü

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Denizcilik Örgütüne İletilen Nota Hk.

03.05.2018

İmeak Deniz Ticaret Odası
Mersin Deniz Ticaret Odası

DIŞİŞLERİ BAKANLIĞINA
(İkili Siyasi İşler ve Denizcilik-Havacılık-Hudut
Genel Müdürlüğü)(Ek konulmadı)
DENİZ TİCARETİ GENEL MÜDÜRLÜĞÜNE
DIŞ İLİŞKİLER VE AVRUPA BİRLİĞİ GENEL
MÜDÜRLÜĞÜNE

Not: 5070 sayılı Elektronik İmza Kanunu gereği bu belge elektronik imza ile imzalanmıştır.

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4 ALBERT EMBANKMENT
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Circular Letter No.3830
13 March 2018

To: All IMO Member States
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Communication from the Government of Ukraine**

1 The Secretary-General of the International Maritime Organization has the honour to transmit herewith the text of a communication from the Government of Ukraine.

2 The Secretary-General would be grateful if steps could be taken to bring this information to the attention of the appropriate authorities.

ANNEX

COMMUNICATION FROM THE GOVERNMENT OF UKRAINE



EMBASSY OF UKRAINE

Ref. 6124/23-327/2-262

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organization and in accordance with the decision of MSC 97 (MSC 97/22, paragraph 4.12) has the honour to transmit herewith the Report on threats to the security and safety of navigation in the maritime areas appertaining to the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (as of 1 January 2018) for circulation to all IMO Member States, international organizations which have concluded agreements of cooperation with the IMO and non-governmental organizations in consultative status with the IMO.

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretariat of the International Maritime Organization the assurances of its highest consideration.

Annex: as stated, on 7 pages.



[Signature]

London, 7 March 2018

Secretariat
International Maritime Organization
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**Report on threats to the security and safety of navigation
in the maritime areas appertaining to the temporarily occupied Autonomous
Republic of Crimea and the city of Sevastopol, Ukraine
(as of 1 January 2018)**

In February 2014 the Russian Federation unlawfully invaded and occupied a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol. This conduct is attributed to the Russian Federation and constitutes a serious breach of international law, including the Charter of the United Nations. The Russian Federation's breach of international law entails its international responsibility.

The international community has overwhelmingly condemned the Russian Federation's internationally wrongful acts in the Autonomous Republic of Crimea and the city of Sevastopol. United Nations General Assembly resolutions 68/262 of 27 March 2014, 71/205 of 19 December 2016 and 72/190 of 19 December 2017 confirmed the unchanged status of the Autonomous Republic of Crimea and the city of Sevastopol as an integral part of the territory of Ukraine, condemned the temporary occupation of Crimea by the Russian Federation and reaffirmed the non-recognition policy of the purported annexation of Crimea by the Russian Federation. The United Nations also called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol and to refrain from any action or dealing that might be interpreted as recognizing any such altered status.

Ukraine has repeatedly informed IMO Member States that, due to continued actions of the Russian Federation, Ukraine is precluded from exercising its coastal State rights in the maritime areas adjacent to the Crimean Peninsula and from carrying out its international obligations under applicable treaties and conventional instruments, including its obligation to provide security and safety of navigation and to regulate maritime traffic (Circular Letter Nos.3453, 3477, 3490, 3602, 3604, 3649 and 3777).

In particular, the Ukrainian Side in its notes verbales emphasized that the Russian Side's "taking over" responsibility for the international shipping issues, safety of navigation, ship registration and certification of crew members of seagoing vessels in maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol as an integral part of the territory of Ukraine did not comply with basic principles and norms of the international law and effective legislation of Ukraine and should be deemed illegal.

As a result, the security and safety of navigation in the maritime areas appertaining to the temporarily occupied Crimean Peninsula have been severely compromised. The Russian Federation's unlawful unilateral actions have turned the Northern part of the Black Sea into a "grey zone" for international shipping.

At the ninety-seventh session of the Maritime Safety Committee (MSC), the Committee, recognizing the importance of the security and safety of navigation, invited Member States and interested parties to notify the Organization of any threats to the security and safety of navigation in the North-Eastern part of the Black Sea, for circulation in accordance with IMO procedures.

As of 1 January 2018 the following apparent negative implications of the continued illegal occupation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine have to be pointed out:

I. Security of navigation

- 1) in accordance with section A/16 of the ISPS Code, the Ministry of Infrastructure of Ukraine, as State authority responsible for ship and port facility security, had to withdraw Port Facility Security Plans (PFSPs) for the seaports of Ukraine in the temporarily occupied Crimea (Circular Letter No.3604);
- 2) on 14 December 2015 the Russian Federation carried out provocative removal of two jack-up oil rigs "Petro Godovanets" (IMO 9522350), "Ukraine" (IMO 8771241) and oil platform "Tavrida" (IMO 8763373), property of Ukraine, located in the Black Sea off the coast of Odesa (Circular Letter No.3625);
- 3) on 1 February 2017 the Russian Federation carried out another armed provocation – firing at the Ukrainian Navy An-26 transport aircraft, which conducted a training flight over Odesa gas field in the maritime exclusive economic zone of Ukraine.

II. Navigational and hydrographic support of navigation

- 1) the Russian Federation's unilateral amendments of navigational charts and sailing directions, changes of the aids to navigation within the waters of the Crimean coast and also in the seaports of the Autonomous Republic of Crimea, changes of the port area boundaries and pilot boarding grounds at the approaches to the seaports, reported by the Department of Navigation and Oceanography of the Ministry of Defence of the Russian Federation in the Notices to Mariners (№116/14 of 03.04.2014, №№6029, 6093-6100 of 25.10.2014, №№1542-1688 of 26.03.2016, №№2975-3112 of 04.06.2016, №№3924-4072 of 23.07.2016, №№4073-4211 of 30.07.2016, №1800 of 15.04.2017, №2331 of 13.05.2017, №2485 of 20.05.2017, №2630 of 27.05.2017, №2743 of 03.06.2017, №№2864, 2865 of 10.06.2017, №№3301, 3302 of 01.07.2017, №3783 of 29.07.2017, №4143 of 12.08.2017, №№4428, 4429 of 26.08.2017, №6578(B) of 16.12.2017), constitute unlawful usurpation of navigational and hydrographic support of navigation in the water area of the

Black Sea and the Kerch Strait and have already led to a number of serious marine casualties and incidents as stated in section V of this Report;

- 2) aids to navigation on the Crimean coast remain temporarily out of control of the State Hydrographic Service of Ukraine (SHSU). The SHSU requests mariners to exercise caution. In order to keep national charts and publications updated and to monitor changes in navigational and hydrographic situation in the area of the Kerch Strait and the Autonomous Republic of Crimea, the SHSU arranges comprehensive remote sensing of the earth surface in the area of the Kerch Strait for the purpose of obtaining modern high-accuracy data based on the satellite photo charting.

III. Promulgation of Maritime Safety Information (MSI)

In January 2017 Ukraine requested the IMO NAVTEX Coordinating Panel to consider the following unauthorized unilateral actions of the Russian Federation affecting the promulgation of Maritime Safety Information (MSI) in the region:

- 1) the Novorossiysk NAVTEX station of the Russian Federation causes on a regular basis interference on 518 kHz during hours of darkness to the Odesa NAVTEX station of Ukraine. For instance, despite 10-minute timeslots allocated by the IMO NAVTEX Manual for transmission of information, our records show that actual transmission by the Novorossiysk NAVTEX station well exceeds the IMO established limitations causing overlapping and interference to the to the Odesa NAVTEX station of Ukraine;

Date	Actual period of transmission of navigational information by the Novorossiysk NAVTEX station
01.02.2016	00.00 – 00.23
28.02.2016	00.00 – 00.22
31.03.2016	00.00 – 00.23
15.04.2016	00.00 – 00.25
26.05.2016	00.00 – 00.23
04.09.2016	20.20 – 20.25

- 2) starting from 6 November 2014, the Russian Federation unilaterally ceased the broadcast of navigational warnings by the Kerch NAVTEX station in the temporarily occupied Autonomous Republic of Crimea, Ukraine without any preliminary coordination either with the NAVAREA III and METAREA III Coordinators, or with Ukraine;
- 3) starting from 23 October 2015 the Russian Federation unilaterally ceased to forward to the State Hydrographic Service of Ukraine (SHSU) any relevant MSI on coastal warnings for the maritime waters around the Crimean

Peninsula, in the Sea of Azov, the Kerch Strait or the North-Eastern part of the Black Sea. Such unilateral actions of the Russian Federation violate the National coordinator responsibilities as defined by section 3.6 of the Joint IHO/IMO/WMO S-53 Manual on MSI.

In August 2017 Ukraine requested the IMO NAVTEX Coordinating Panel to consider the following unauthorized unilateral actions of the Russian Federation affecting the promulgation of Maritime Safety Information (MSI) in the region:

- 1) the Novorossiysk NAVTEX station of the Russian Federation continues to cause on a regular basis interference on 518 kHz to the Odesa NAVTEX station of Ukraine. Despite 20-minute timeslots allocated by the IMO NAVTEX Manual, including 10 minutes for transmission of information, our records show that actual transmission by the Novorossiysk NAVTEX station well exceeds the IMO established limitations causing interference to the Odesa NAVTEX station of Ukraine:

№	Date	Transmission times according to the IMO allocated schedule	Actual end of transmission	Excess (min., sec.)
1	06.07.2017	0800-0810	08.13	+3
2	09.07.2017	0800-0810	08.14	+4
3	09.07.2017	1200-1210	12.13.45	+3.45
4	09.07.2017	1600-1610	16.13.45	+3.45
5	12.07.2017	0800-0810	08.16.57	+6.57
6	12.07.2017	1200-1210	12.16.18	+6.18
7	12.07.2017	1600-1610	16.16.27	+6.27

IV. Conduct of search and rescue operations

- 1) Ukraine has temporarily suspended the functioning of the maritime rescue sub-centres (MRSCs) in Kerch (LRIT ID 2791) and Sevastopol (LRIT ID 2793) until the complete restoration of constitutional law and order and control by Ukraine over Crimea. The relevant information has been communicated to IMO Member States by means of document NCSR 4/INF.15 and was duly reflected in the Global SAR Plan module of GISIS;
- 2) operation of GMDSS A1 Sea Area VHF DSC Coast Radio Stations situated in Kerch (UN/LOCODE – UA KEH) and Sevastopol (UA SVP) has also been suspended (GMDSS.1/Circ.21);
- 3) starting from April 2014 the State Maritime Rescue Coordination Centre of Ukraine (MRCC Odesa) has ceased to receive the actual information in respect of vessels' position and traffic from 13 AIS base stations situated in Crimea;

- 4) on 23 April 2017 the Russian Federation deliberately instigated the incident when the Russian navy attempted to seize a Ukrainian rescue vessel during Ukrainian SAR regular exercises in Ukraine's territorial waters and in Ukraine's SAR region.

Such situation complicates the procedures necessary to process the distress alerts and reduces capabilities (period of processing) with regard to operative response in the course of planning and carrying out SAR missions in the recognized SAR area of Ukraine in the maritime areas adjacent to the Crimea.

V. Marine casualties and incidents

The above mentioned unauthorized unilateral actions of the Russian Federation have already led to a number of serious marine casualties and incidents:

- 1) on 30 October 2014 the railway ferry "Petrovsk" collided with the oil tanker "Sudak";
- 2) on 7 October 2015 while attempting to tow a boat "Rumb" it capsized in the Strait of Kerch. Two crew members died;
- 3) on 19 March 2016 the Turkish cargo vessel "Lira" collided in the Kerch Strait with a pillar of the bridge, which is being constructed unlawfully by the Russian Federation;
- 4) on 8 May 2016 a large number of fuel oil was noticed from one of the vessels in waters and on land surface near the village of Lyubimovka which is the water area of Russian-occupied Sevastopol. Local media reported severe coast and water pollution;
- 5) on 12 October 2016 three people died aboard floating crane "ASPTR-1" that sank 4 kilometres off the coast near the city of Yalta, again during towing. One of the tugboat stalled in the course of search and rescue operation. Head of the so-called "Marine Rescue Service" in Crimea was taken into custody and charged with a violation of safety rules;
- 6) on 12 November 2016 a boat "Rostulov" capsized off the coast of Sevastopol. One person is considered to be missing as a result of the casualty;
- 7) on 8 January 2017 in the Kerch Strait the pilot vessel "LK-88" (MMSI 273373350) collided with the tugboat "Capitan Khanakhbeev" (MMSI 273199000), one crew member died;
- 8) on 22 February 2017 a fishing boat capsized off the coast of Yalta. One person was rescued, two people died;
- 9) on 19 April 2017 Panama-flagged m/v "Geroi Arsenala" (IMO 8727604) with 12 people on board broke in two and sank south of the Kerch Strait. One crewman was pulled to safety in the course of search and rescue operation, three bodies were found and eight crew went missing;

- 10) on 24 May 2017 a large fuel oil spot (50x15m) was detected at water area of Russian-occupied Yalta, the pollution could cause damage to the local flora and fauna;
- 11) on 10 June 2017 a fishing boat "Stealth-007" collided with a yacht "Solaris" off the coast of Kerch, two people were killed;
- 12) on 29 July 2017 Togo-flagged m/v "Anda" (IMO 8027638) capsized and sank 75 nautical miles off the coast of Sevastopol. One person is considered to be missing as a result of the casualty.
- 13) on 18 August 2017 a boat "Dolphin-24" with 8 people on board capsized off the coast of Alushta;
- 14) on 10 September 2017 a very large fuel oil spot (1000x300m) was detected at water area of Russian-occupied Sevastopol. Local media reported severe coast and water pollution;
- 15) on 17-18 October 2017 a fishing vessel "Neptune" polluted with fuel oil 8000 square meters of water area in Sevastopol;
- 16) on 15-20 November 2017 a large fuel oil spot (200x140m) was detected at water area of Russian-occupied Sevastopol again, the pollution caused damage to the local flora and fauna;
- 17) on 15 December 2017 in the Kerch Strait the cargo vessel "Sea Leader" (IMO 9363998) collided with the oil tanker "SVL Unity" (IMO 9655470).

VI. Certification of seafarers

The Russian occupation authorities have no legal grounds to implement IMO instruments in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine. Attempts of the Russian Federation to comply with IMO conventions on an occupied territory cannot be regarded as proper implementation of IMO instruments and do not bear the legal consequences.

Therefore, taking into account UN General Assembly resolution 68/262 of 27 March 2014, Ukraine closed the seaports in the cities of Feodosiia (UN/LOCODE – UA FEO), Kerch (UA KEH), Sevastopol (UA SVP), Yalta (UA YAL) and Yevpatoriia (UA ZKA) starting from 15 July 2014 until the complete restoration of constitutional law and order and effective control by Ukraine over the occupied territory.

Thus, the Ministry of Infrastructure of Ukraine had to cease issuing certificates of competency or seafarer's identity documents in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol.

At the same time, the procedures for issue of certificates of competency and seafarer's identity documents by other legitimate authorities of the Ukrainian Side (seaports of Chornomorsk, Izmail, Kherson, Mariupol, Mykolaiv and Odesa) remain in force.