

*Approved by the Decree No 395 of
the President of the Republic of
Azerbaijan on April 20, 2006*

Statute of the State Maritime Administration of the Republic of Azerbaijan

1. General provisions

1.State Maritime Administration of the Republic of Azerbaijan (further - Administration) is the central executive authority performing state policy and regulation as established by present Regulations in the field of maritime transport (further – in respective field) at the territory of the Republic of Azerbaijan.

2.Administration is guided by the Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, resolutions and orders of the Cabinet of Ministers of the Republic of Azerbaijan, international treaties supported by the Republic of Azerbaijan and the present Regulations in its operation.

3.Administration operates in mutual relationship with other executive authorities, institutions of local government and non-governmental organizations in the fulfillment of their duties and realization of their rights.

4.Administration has an independent balance, state property at its disposal according to the legislation, treasury and bank accounts, seal bearing the description of State Emblem of the Republic of Azerbaijan and its name in Azerbaijani and English languages, official emblem, special flag, different stamps and letterheads.

The employees of the Administration have special official uniform.

5. Costs of maintenance of Administration and its operation are financed on the account of state budget of the Republic of Azerbaijan and other sources envisioned by legislation.

6. Administration is situated in Baku city.

2. Functioning directions of Administration

7. Functioning directions of Administration are the followings:

7.1. Administration formulates common state policy in respective field and ensures enforcement of this policy;

7.2.Administration ensures development of respective field.

3. Duties of Administration

8. Administration shall fulfill the following duties according to the operational directions established by present Regulations:

- 8.1. to perform the activity on establishment and development of the regulatory framework;
- 8.2. to ensure enforcement of state programs and development concepts within their authorities;
- 8.3. to coordinate activities of other executive authorities regarding the respective field as determined by the legislation;
- 8.4. to ensure enforcement of international treaties supported by the Republic of Azerbaijan within their authorities;
- 8.5. to issue special agreement (license) or special permit, as well as the documents defining the law for the types of respective activity as envisioned by the legislation;
- 8.6. to ensure enforcement of rights and freedoms of people and nationals and prevent their infringement in the cases attributed to its powers and as determined by the legislation;
- 8.7. to ensure application of scientific-technical achievements in respective field in consideration of best international practice;
- 8.8. to ensure rational use of budget assets, credits, grants and other financial assets allocated to respective field according to their purpose;
- 8.9. to take necessary measures for protection of state secret and confidentiality routine according to the legislation, as well as to take precautionary measures in accordance with operational directions;
- 8.10. to ensure communication to population about its activity, development of web page, posting on web page the data due to publicity owned by the administration and the list of which is determined by legislation and regular update of this data;
- 8.11. to ensure human resources development in respective field, as well as to take measures for training and professional development of experts;
- 8.12. to take measures within their authorities towards improvement of organizational structure and performance of administration;
- 8.13. to review the applications and complaints received regarding the performance of administration and to take measures as determined by the legislation;
- 8.14. to ensure realization of supervision of port at the territory of the Republic of Azerbaijan and flag control in relation to vessels navigating under State flag of the Republic of Azerbaijan through the entity under its subordination;
- 8.15. to organize safety system of maritime navigation and to ensure control on maritime navigation regulations at the territory of the Republic of Azerbaijan through the entity under its subordination;
- 8.16. to carry out supervision on the operation of guard service in maritime navigation at the territory of the Republic of Azerbaijan;

- 8.17. to organize navigation regime of vessels at the territory of the Republic of Azerbaijan through the entity under its subordination and carry out supervision on compliance with defined regime, give mandatory instructions to the operators of vessels in the view of regulation of vessel traffic;
- 8.18. to take necessary measures within their authorities to ensure stable activity of respective field as defined by the legislation;
- 8.19. to take appropriate measures in order to ensure to save human life at sea and protect maritime environment within their authorities as defined in the legislation;
- 8.20. to organize recovery of sank navigation units (together with its property) and carry out necessary measures for their protection in cases attributed to their powers and as defined by the legislation;
- 8.21. to carry out state registration and maintain state register of vessels (except small scale vessels) navigating under State flag of the Republic of Azerbaijan, as well as to carry out technical inspection in vessels, ensure tonnage dues from vessels and issue vessel documents as defined by the legislation;
- 8.22. to give permission for activity of classification societies in the Republic of Azerbaijan and supervise their activity;
- 8.23. to ensure taking the necessary measures through the entity under its subordination for issuance of relevant documentation, including the challenge signal to vessels, individual call numbers of vessel radio station and identification numbers of satellite communication station of vessel as defined by the legislation;
- 8.24. to prepare and approve technical requirements and regulations in compliance with international conventions and standards on maintenance and operation of vessels;
- 8.25. to prepare drafts of regulations for conferring the navigation titles as defined by the legislation and present them to the Cabinet of Ministers of the Republic of Azerbaijan, to issue qualification certificates (diplomas) and seafarers identity documents;
- 8.25-1. to issue relevant certificates to Training-Education Centers, as well as legal and physical entities operating in the field of maritime transport about compliance of their activity with requirements of International Conventions.
- 8.26. to carry out investigation and make record of accident in assets belonging to respective field in cases attributed to their powers and as defined by the legislation;
- 8.27. to ensure enforcement of control on navigation supply on sea lanes, arrangement of Vessel Traffic Control System (VTCS) in territorial waters of the Republic of Azerbaijan through the entity under its subordination according to the established procedure;

- 8.28. to prepare and approve requirements regarding construction, operation, repair and resupply of assets belonging to respective field, vessels, vessel technical equipment and other facilities as defined by the legislation;
- 8.28-1. to determine sea lanes, as well as locations for installation of navigation equipment on sea lanes and the coast;
- 8.29. to check the technical data of construction, reconstruction and technical improvement of assets belonging to respective field (ports, freight transfer terminals) and give a feedback as defined by the legislation;
- 8.30. to issue permission for construction of assets of maritime transport including ports, and freight transfer terminals as defined by the legislation;
- 8.30-1. to ensure maintaining state register of ports;
- 8.30-2. to check the level of readiness of ports for operation;
- 8.30-3. to make decision about declaring the ports as temporary closed;
- 8.30-4. to act with petition regarding declaration of ports as closed;
- 8.30-5. to issue certificates to physical and legal entities to render the service of vessel agent;
- 8.30-6. to control the provision of dues according to the rates established for rendering the services (navigation, guard, channel, anchorage, vessel dues, etc.) regarding the activity on maritime navigation safety through the entity under its subordination;
- 8.30-7. to give mandatory instructions regarding safety of maritime navigation in ports, protection of human life and health at sea and the maritime environment;
- 8.30-8. to ensure issuance of documents envisioned in “International Ship and Port Facility Security Code” to ports;
- 8.31. to take necessary measures as defined by the legislation within their authority in order to prevent the release of oil and oil products and other harmful substances from vessels and assets to the sea irrespective of type of ownership and national identity (state flag);
- 8.32. to participate in enforcement of necessary measures undertaken by maritime and aviation emergency-rescue services of the Republic of Azerbaijan and foreign countries for search and rescue of people who were subject to accidents at sea in search-rescue sector of Caspian Sea in the Republic of Azerbaijan within their authorities as defined by the legislation;
- 8.33. to participate in enforcement of measures on occupational safety within their authorities as defined by the legislation according to the requirements of legislation in respective field;
- 8.34. to participate in arrangement of cryptographic communication with vessels and other assets of sea transport as defined by the legislation;

- 8.35.to prepare regulations for denomination of all vessels and other navigating facilities (except small scale vessels) irrespective of the type of ownership, as well as the regulations of navigation in territorial waters of the Republic of Azerbaijan;
- 8.36.to prepare and approve regulatory legal acts on maritime navigation safety and protection of human life at sea and maritime environment;
- 8.36-1. to control compulsory insuring of water transport passengers with individual accident insurance in accordance with the law of the Republic of Azerbaijan on “Compulsory Insurance”
- 8.37. to take measures for charging the persons for breach of legislation concerning the respective field as envisioned in the legislation;
- 8.38. to carry out other duties envisioned in the legislation according to the operational directions.

4. Rights of the Administration

9. Administration has the following rights for fulfilment of their duties:

- 9.1.to prepare drafts of normative legal acts relating to the maritime transport field and approve them;
- 9.2.to advance the initiative about supporting of international treaties by the Republic of Azerbaijan on the respective field;
- 9.3.to send requests to authorities and institutions of local government, physical and legal entities on respective field regarding data (documents) and obtain such data (documents) from them;
- 9.4.to cooperate with relevant international organizations, concerning authorities (agencies) of foreign countries, to study the relevant experience of foreign countries as defined by the legislation;
- 9.5.to participate in events concerning the respective field;
- 9.6.to give feedback according to the operational directions, carry out reviews and generalization, prepare analytic data, carry out studies on respective field, give proposals;
- 9.7. -;
- 9.8.to engage freelance experts and specialist to their operation as defined by the legislation;
- 9.9.to issue special newsletters and other publications as defined by the legislation;
- 9.10.to annul the certificates (diplomas) issued to the members of vessel crew or to terminate their force according to the legislation;
- 9.11.to settle the issues of permitting coastal navigation by vessels navigating under the flag of foreign country;

- 9.12.to take necessary measures for investigation of accidents occurring in respective field and the reasons of accidents and investigations to be carried out by the captains of the port and owners of vessels;
- 9.13.to establish working groups and commissions in respective field;
- 9.14.to conduct conferences, seminars and other events regarding the respective field;
- 9.15.to take necessary measures for failure to meet the requirements regarding safety of maritime navigation and prevention of pollution of coastal zone as defined by the legislation;
- 9.16.to enter in all maritime vessels, port and other sea transport assets freely at the territory of the Republic of Azerbaijan irrespective of the type of ownership and national identity (state flag) in the cases attributed to its powers and as determined by the legislation, according to international treaties supported by the Republic of Azerbaijan;
- 9.17.to establish qualification commission on issuance of respective certificates (diplomas), to guide their performance, as well as to organize operation of joint commissions with engagement of concerning organizations in respective field within their authorities as defined by the legislation;
- 9.18.to make proposals regarding improvement of interaction with owners of freight, operators, expeditors, agencies and other organizations in transport hubs between sea transport and other types of transport;
- 9.19.to exercise other rights envisioned in the legislation according to the operational directions.

5. Organization of Activities of Administration

10.Apparatus of the Administration and agencies incorporated in its organizational structure and other entities under its subordination (legal entities, organizations, etc.) make up the common system of Administration. Administration carries out the activities directly and through the mentioned entities.

11.Total quantitative composition of staff of the Administration and the list of entities (legal entities, organizations, etc.) under its subordination not incorporated in its organizational structure is determined by the Cabinet of Ministers of the Republic of Azerbaijan. Organizational structure of Administration is approved by the President of the Republic of Azerbaijan.

12.The operation of Administration is headed by the chief who is appointed and dismissed by the President of the Republic of Azerbaijan. The chief of Administration is responsible personally for fulfilment of duties entrusted to Administration and for exercise of their rights.

13. The chief of Administration has two deputies who are appointed and dismissed by the

President of the Republic of Azerbaijan.

14. The deputies of the chief of Administration carry out the duties entrusted by the chief of Administration and are personally responsible for this.

15. The chief of Administration:

15.1. Organizes and heads the activity of Administration;

15.2. Approves the regulations of structural units of the apparatus of Administration and the entities under their subordination, and submits the charters of legal entities under their subordination for approval according to the established procedure;

15.3. Approves the structure of apparatus and entities of Administration, staff schedule and the estimate of their expenses within the allocated budget in the frame of defined payment fund and the number of staff;

15.4. Appoints and dismisses the employees of apparatus and the heads of other entities of Administration or other employees of these entities besides the heads, takes motivation and punitive measures regarding them;

15.5. Appoints the captain of ports as defined by legislation and carries out control on their operation;

15.6. Conducts negotiations on international documents in respective field, signs them according to the established procedure and ensures control on their execution as defined by the legislation;

15.7. Gives mandatory orders and disposals, approves (signs) regulatory legal acts, arranges their execution and ensures control on them according to the legislation;

15.8. Annuls the resolutions of officials of the Administration contradicting the legislation;

15.9. Represents the Administration;

15.10. Executes other powers according to the legislation.

15-1. The chief of Administration can designate one of the deputies with execution of part of his powers, or temporary fulfilment of his duties.

16. A board consisting of the chief of administration (chairman of the board), his deputy (deputies), and head officers of Administration is established in Administration. The composition of the board of Administration may also include experts and scientists.

17. The number and composition of board members of Administration is approved by the Cabinet of Ministers of the Republic of Azerbaijan.

18. The board of Administration discusses the issues regarding performance of Administration and makes relevant decisions in their meetings.

19. The meeting of board of Administration is competent when more than half of the members participate. The resolutions of the board of Administration are made with

simple majority of votes of board members. If the votes are equal when the resolution of board of the Administration is made, the vote of chairman of the board is considered as decisive.

20. The resolutions of the board of Administration are registered through minutes and approved by the chief of Administration.

21. When there is a contradiction among the board members of Administration, the chief of Administration exercises his decision with notification to the Cabinet of Ministers of the Republic of Azerbaijan. Board members of Administration can deliver their personal opinion to the Cabinet of Ministers of the Republic of Azerbaijan.

22. The representatives of other executive authorities and organizations, as well as non- governmental organization can be invited to the meetings of the board of Administration as needed.