

**Chapter I - General Provisions**

**Article 1 - Purpose of the Law**

The purpose of this Law is to ensure readiness and cooperation for carrying out maritime search and rescue operations, and for eliminating pollution of the sea with oil and hazardous substances spilled as a result of accidents, in accordance with the requirements of the legislation of Georgia and international standards.

**Article 2 - Scope of the Law**

This Law shall regulate the procedures for providing assistance to all persons, ships and/or aircraft that are in distress on the sea, regardless of their national affiliation and status, and the procedures for the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents.

**Article 3 - Definition of terms**

The terms used herein have the following meanings:

- a) the search and rescue coordinator - a Legal Entity under Public Law within the system of the Ministry of Economy and Sustainable Development of Georgia called the Maritime Transport Agency ('the Agency') that manages works related to the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and the works related to search and rescue operations within a search and rescue zone;
- b) a search and rescue zone - a zone within the special economic area and territorial sea of Georgia within which search and rescue operations are conducted;
- c) a search and rescue unit - a ship with properly trained staff that is appropriately equipped to carry out search and rescue operations;
- d) the Maritime Rescue Coordination Centre ('the Rescue Coordination Centre') - a structural unit of the Agency responsible for organising and coordinating the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and for carrying out search and rescue operations within a search and rescue zone;
- e) search and rescue mission co-ordinator - the head of search and rescue operations;
- f) on-site action coordinator - a respective unit of the Agency, a captain of the search and rescue unit, a captain of a sea ship or an aircraft that coordinates search and rescue operations;
- g) emergency phase - a general term defining uncertainty, alert or distress phases;
- h) uncertainty phase - an uncertain situation related to the safety of a ship or a person that occurs as a result of the failure of a ship to enter a harbour at a definite time, or as a result of the failure to obtain information on the location of a ship or safe navigation;



i) alert phase - a situation where the safety of a ship or a person is endangered due to the failure to connect the ship after the onset of the uncertainty phase or due to the failure to obtain information from other sources, or where, based on information obtained, the operational reliability of a ship has not been breached to such extent as to cause a distress phase;

j) distress phase - a situation where it is certain that a ship or a human life is endangered, and that it needs to be rescued, because:

j.a) according to information obtained. a ship or a human life is under serious and imminent danger;

j.b) after declaring an alert phase, the connection with a ship has failed or the process of obtaining information from other sources has failed, which means that the ship may be in a distress situation;

j.c) according to information obtained, the operational reliability of a ship has been breached to such extent as to cause the inevitability of a distress phase;

k) rescue - relocate persons in a distress situation to a safe place and provide other kinds of assistance to them;

l) environmental impact - a serious impact to human health, sea flora, fauna and other resources in the coastal and internal sea waters or their neighbouring areas, which is caused due to pollution, fire, explosion or any other similar incident;

m) incident causing pollution of the sea with oil and hazardous substances - an incident or a set of incidents having similar grounds, which is or may be followed by the pollution of the sea with oil and hazardous substances that endangers the marine environment or a coastal strip falling within the interests of one or several countries, and that requires taking emergency actions or extraordinary measures;

n) marine equipment - any kind of stationary or floating equipment or structure that used for surveying, extracting and producing gas and oil, also for loading and unloading oil and hazardous substances;

o) sea ports and facilities related to the treatment of oil - oil terminals, pipelines, sea ports and other facilities that are used during the processing of oil and that pose a threat of pollution with oil;

p) guideline documents - the legislation of Georgia, and plans for search and rescue operations, and the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents;

q) international standards - appropriate conventions of the International Maritime Organisation (IOM), and a guidebook on International Maritime and Aviation Search and Rescue.

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10.4.2007 Art. 108*

*Law of Georgia No 71 of 27 June 2008 - LHG I, No 12, 14. 7.2008, Art. 93*

*Law of Georgia No 853 of 23 December 2008 - LHG I, No 40, 29. 12. 2008, Art. 278*

*Law of Georgia No 3752 of October 2010 - LGH I, No 62, 5.11.2010, Art. 392*

*Law of Georgia No 4218 of 22 February 2011 – website, 10.3.2011*

*Law of Georgia No 2398 of 2 May 2014 – website, 16.5.2014*

## **Chapter II - Organisational Structure of the Maritime Rescue Service**



#### **Article 4 - Search and rescue coordinator**

1. The Search and Rescue Coordinator shall be responsible for:

- a) provisioning the Rescue Coordination Centre with equipment and personnel, and management of the system of search and rescue and of the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents;
- b) the provision and effectuation of appropriate means for search and rescue and the elimination of pollution of the sea by oil and hazardous substances spilled as a result of accidents;
- c) the coordination of the personnel participating in the operation;
- d) the development of practices related to the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and to the implementation of search and rescue operations;

2. The search and rescue coordinator shall carry out activities required for fulfilling the obligations undertaken by Georgia under various treaties on the search and rescue of ships, persons and aircraft that happen to appear on the sea, and also on the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents.

#### **Article 5 - The Rescue Coordination Centre**

1. The Rescue Coordination Centre shall be subordinated to the search and rescue coordinator and it shall organise and coordinate the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, as well as search and rescue operations.

2. The Rescue Coordination Centre shall provide 24-hour prompt on-duty services using special radio communication and electronic means, shall serve in shifts on the radio, and shall monitor the participation of ships in the reporting system.

3. The Rescue Coordination Centre shall, with the participation of rescue resources of the ministries and agencies of Georgia, other states, shipping companies and sea ports, search and rescue ships, persons and aircraft happening to appear on the sea, also eliminate the pollution of the sea with oil and hazardous substances spilled as a result of accidents in a search and rescue zone, in accordance with the requirements of the legislation of Georgia and international standards.

4. When conducting search and rescue operations, the Rescue Coordination Centre shall:

- a) gather information on accidents;
- b) draft a plan for search and rescue operations and for the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents;
- c) provide the participants of the operation with the means for search and rescue operations and for the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and coordinate such participants;
- d) determine the borders of the search and rescue zone of a ship;
- e) inform the ship owner of the accident;
- f) inform search and rescue centres of the accident, to which it may apply for assistance;



g) ask ship captains, rescue organisations and heads of harbours for assistance;

h) mobilise any type of ships and aircraft;

i) appoint an on-site action co-ordinator, if the search and rescue operation is conducted in an area that does not fall within the responsibility of the captain of the harbour.

5. The Rescue Coordination Centre shall be composed of the head of the Centre, deputy head of the Centre, on-duty coordinator, on-duty radio operator and a senior mechanical engineer, as well as technical personnel, emergency operations centre, and a team of experts.

6. The technical personnel shall be composed of the staff of the Rescue Coordination Centre and of the technical personnel responsible for the maintenance of the equipment used during the conduct of search and rescue operations and during the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents.

7. The emergency operations centre shall be composed of authorised persons of appropriate public and local self-government bodies invited to provide solutions with regard to emergency circumstances, and also of marine experts with higher maritime education and experience in the field of managing deep-sea vessels.

8. A team of experts shall be composed of invited marine experts and specialists of various fields (engineers, hydro-meteorologists, physicians, chemists, rescue firemen, hydrologists, ecologists, etc.).

9. Members of the emergency operations centre and a team of experts shall not be in-house personnel of the Rescue Coordination Centre.

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10. 4 .2007, Art. 108*

*Law of Georgia No 2398 of 2 May 2014 – website, 16.5.2014*

## **Article 6 - Head of the Rescue Coordination Centre**

1. The head of the Rescue Coordination Centre shall be appointed to and dismissed from the position by the Director of the Agency.

2. The head of the Rescue Coordination Centre shall have a higher maritime education, shall hold a diploma of the captain of a ship with a total capacity of 3000 tons and over, and at least five years of service as a captain of a tanker.

3. The head of the Rescue Coordination Centre may:

a) attract rescue facilities and the ships of foreign countries within the zone of responsibility during the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and during search and rescue operations.

b) apply to the rescue coordination centres of foreign countries with a request to assist the citizens of Georgia and the ships floating under the flag of Georgia that are exposed to distress situations beyond the search and rescue zone of Georgia;

c) allow or refuse the rescue facilities of foreign countries to cross the state border of Georgia in accordance with the legislation of Georgia and in agreement with the authorised body under the system of the Ministry of Internal Affairs of Georgia;

d) address local and central government authorities with proposals to set up a special commission in the cases of emergency situations in order to ensure the conduct of operations for rescuing persons, ships and aircraft in



distress situation, and to ensure the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents.

4. The Head of the Rescue Coordination Centre shall serve as a representative of the Centre outside Georgia.

5. The head of the Rescue Coordination Centre shall check the emergency rescue equipment available in harbours and the search and rescue units of Georgia, and the equipment used during the elimination of spilled oil.

*Law of Georgia No 3164 of 25 May 2006 - LHG I, No 19, 1. 6.2006, Art. 153*

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10. 4.2007, Art. 108*

*Law of Georgia No 622 of 5 December 2008 - LHG I, No 35, 5. 12.2008, Art. 228*

*Law of Georgia No 4218 of 22 February 2011 – website, 10.3.2011*

*Law of Georgia No 2398 of 2 May 2014 – website, 16.5.2014*

#### **Article 7 - Coordinator of search and rescue operations**

The Coordinator of search and rescue operations shall be the head or on-duty coordinator of the Rescue Coordination Centre, who is obliged to:

- a) obtain information on sea incidents and assess them depending on the phases of the emergency;
- b) find out which of the equipment required for extraordinary actions are available on a ship that is in a distress situation;
- c) have updated information on weather forecasts;
- d) find out the movement and location of ships, and inform such ships on the potential search and rescue zone;
- e) map the search and rescue region and make decisions on the use of search and rescue methods and means;
- f) draft plans for search and rescue operations and for the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents;
- g) coordinate the operations with the search and rescue centres of foreign countries;
- h) organise the instruction of the personnel participating in the operation and obtain information from them;
- i) evaluate information obtained and if necessary, make amendments to respective plans;
- j) locate personnel in a manner that ensures the efficient conduct of search and rescue operations;
- k) organise the timely supply of the means of aid to persons who have been rescued;
- l) keep a log-book in a chronological order and in a precise manner;
- m) draft reports;
- n) coordinate the use of search and rescue means as required;
- o) draft a conclusive report on an accident.



## **Article 8 - On-site action coordinator**

1. The on-site action coordinator shall be appointed by the coordinator of the search and rescue operation.
2. The captain of a sea ship or aircraft who first arrives at the place of accident shall carry out the functions of the on-site action coordinator until the coordinator of search and rescue operations appoints a person replacing the on-site action coordinator.
3. The on-site action coordinator is obliged to:
  - a) verify the receipt of information about the accident;
  - b) contact the ship that is in a distress situation;
  - c) obtain appropriate information from the ship in a distress situation and forward it to the Rescue Coordination Centre;
  - d) maintain an uninterrupted radio communication;
  - e) timely arrive to the place of an accident;
  - f) carry out search and rescue operations;
  - g) coordinate the action of other ships at the place of accident;
  - h) inform the Rescue Coordination Centre on its actions;
  - i) follow the recommendations of the Rescue Coordination Centre.

## **Article 9 - Contract for assistance**

1. Unless a ship in an emergency situation or the cargo on the ship is endangered, and where the crew members are able to control the situation and to rescue the ship using their own resources by taking emergency measures, but they prefer to apply to a rescuer for assistance, a contract shall be signed between the ship captain and the rescuer, under which, the rescuer shall provide assistance to the ship in the distress situation, and the ship captain is obliged to pay a fee for services rendered.
2. The captain of the ship in an emergency situation shall be responsible for the risk of inefficiency of works performed, and the rescuer, upon the completion of rescue operations, shall be paid a fee for services rendered, regardless of the results thereof.

## **Article 10 - An on-site action co-ordinator within the zone of responsibility of a harbour**

1. The captain of the harbour, who is the head of the State Supervision and Control Service of the Harbour of the Agency, shall be an on-site action co-ordinator, if the pollution of the sea with spilled oil and hazardous substances is eliminated and search and rescue operations are conducted in the harbour or within a radius of 12 nautical miles from the harbour (zone of responsibility).
2. After obtaining information about an accident, the on-site action coordinator is obliged to:



- a) verify the receipt of information about the accident;
- b) contact the ship that is in the distress situation;
- c) obtain appropriate information on the ship in the distress situation and forward it to the rescue coordination centre;
- d) maintain an uninterrupted radio communication;
- e) organise and carry out operations related to the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, and search and rescue operations with the participation of sea ports, shipping companies, as well as the ministries, agencies and other organisations of Georgia;
- g) coordinate the action of other ships that happen to be appear near the place of an accident;
- h) report its actions to the rescue coordination centre;
- i) follow the recommendations of the rescue coordination centre.

3. The on-site action co-ordinator for the remaining section of the search and rescue zone shall be appointed by an on-duty coordinator of the Rescue Coordination Centre. When the rescue operations are completed, the on-site action co-ordinator shall be dismissed by the head of the Rescue Coordination Centre.

*Law of Georgia No 71 of 27 June 2008 - LHG I, No 12, 14. 7.2008, Art. 93*

*Law of Georgia No 853 of 23 December 2008 - LHG I, No 40, 29 12.2008, Art. 278*

*Law of Georgia No 3752 of October 2010 - LGH I, No 62, 5.11.2010, Art. 392*

*Law of Georgia No 4218 of 22 February 2011 – website, 10.3.2011*

*Law of Georgia No 2398 of 2 May 2014 – website, 16.5.2014*

## **Article 11 - Completion of search and rescue operations**

1. When notified of the completion of search and rescue operations, or of the elimination of the emergency phase, the coordinator of search and rescue operations shall report the outcomes of the operation to the search and rescue coordinator, local governmental authorities, and to rescue units and respective services that have been involved in the search and rescue operations and/or held a stake in such operations.

2. After rescuing persons and a ship, and, where it is determined that further search will be useless, the coordinator of search and rescue operations shall declare the rescue operations completed.

## **Chapter III - Cooperation and Coordination of Actions**

### **Article 12 - Interstate cooperation**

1. (Deleted).

2. If it is necessary to conduct joint search and rescue operations, the Rescue Coordination Centre shall apply for



assistance to the rescue coordination centres of other states, and to individual rescue units. In addition, the Rescue Coordination Centre shall request rescue organisations and vessels of other states to join the search and rescue zone.

3. In order to improve the joint actions of search and rescue, and during the elimination of pollution of the sea with oil and hazardous substances spilled as a result of accidents, the Rescue Coordination Centre shall participate in the training of rescue services of other states.

4. The Agency shall cooperate with foreign maritime rescue services and/or international maritime rescue organisations.

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10. 4.2007, Art. 108*

*Law of Georgia No 71 of 27 June 2008 - LHG I, No 12, 14. 7.2008, Art. 93*

*Law of Georgia No 853 of 23 December 2008 - LHG I, No 40, 29 12.2008, Art. 278*

*Law of Georgia No 3752 of October 2010 - LGH I, No 62, 5.11.2010, Art. 392*

*Law of Georgia No 4218 of 22 February 2011 – website, 10.3.2011*

### **Article 13 - Coordination of actions of the Rescue Coordination Centre and of the Legal Entity under Public Law called the Civil Aviation Agency**

The Rescue Coordination Centre and the Legal Entity under Public Law called the Civil Aviation Agency are obliged to coordinate their actions in order to ensure the successful completion of search and rescue operations.

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10. 4.2007, Art. 108*

*Law of Georgia No 2398 of 2 May 2014 – website, 16.5.2014*

### **Article 14 - Coordination of activities of ministries, agencies, entities and sea ports of Georgia**

1. When rescuing persons in a distress situation and eliminating the pollution of the sea with oil and hazardous substances spilled as a result of accidents, the Rescue Coordination Centre shall, where necessary, coordinate the means and resources of rescue services of shipping companies, sea ports, ministries, agencies and other special subdivisions of Georgia.

2. The Rescue Coordination Centre, the authorised body within the system of the Ministry of Internal Affairs of Georgia, and the Agency are obliged to set a permanent duty schedule for a towing ship, warship and aircraft, which shall be ready to participate in search and rescue operations in 30 minutes. In order to make timely corrections to the plans of search and rescue operations; information on their duty schedule shall be annually submitted to the Rescue Coordination Centre.

3. The Rescue Coordination Centre shall inform the interested ministries and entities of the conduct of search and rescue operations.

*Law of Georgia No 3164 of 25 May 2006 - LHG I, No 19, 1. 6.2006, Art. 153*

*Law of Georgia No 4604 of 30 March 2007 - LHG I, No 11, 10. 4.2007, Art. 108*

*Law of Georgia No 622 of December 5, 2008- LHG I, No 35, 5. 12 .2008, Art. 228*



## **Chapter IV – Final Provisions**

### **Article 15 - Invalid normative act**

Upon the entry into force of this Law, the Ordinance of 23 October 1992 of the Government of the Republic of Georgia on Certain Measures for the Fulfilment of the Requirements of the 1992 Bucharest Convention on the Protection of the Black Sea Against Pollution, shall be considered invalid.

### **Article 16 - Entry into force of the Law**

This Law shall enter into force upon its promulgation.

**President of Georgia  
Shevardnadze**

**Eduard**

**Tbilisi**

**29 September 2000**

**No 528-Il**

