

THE TWINNING FICHE

The State Maritime Administration of the Republic of Azerbaijan

1. Basic information

- 1.1 Programme:** ENPI-Annual Action Programme 2011 for the Republic of Azerbaijan
- 1.2 Twinning number:** AZ/14/ENP/TP/34
- 1.3 Title:** Support to the State Maritime Administration to Improve Liability in Maritime Transport in the Republic of Azerbaijan
- 1.4 Sector:** Transport
- 1.5 Beneficiary country:** Republic of Azerbaijan

2. Objectives

2.1 Overall objective:

To improve liability issues in maritime safety, security and environment protection

2.2 Project purpose:

To ensure a proper implementation and enforcement of maritime liability procedures foreseen in the international conventions on maritime safety, security and the prevention of the marine pollution in the related EU Acquis.

2.3 Contribution to National Development Plan/Cooperation agreement/Association agreement/Action plan

2.3.1. EU-Azerbaijan agenda

After its enlargement in May 2004, the EU faced a new geopolitical situation and adopted the **European Neighbourhood Policy (ENP)**¹, which is a new framework for the relations with its neighbours. The ENP aims to go beyond the existing Partnership and Co-operation Agreements to offer neighbouring countries the prospect of an increasingly closer relationship with the EU with the overall goal of fostering the political and economic reform processes, promoting closer economic integration as well as legal and technical approximation and sustainable development.

The central element of the ENP is a bilateral **Action Plan (AP)**² which clearly sets out policy targets and benchmarks through which progress with an individual neighbouring country can be assessed over several years. The AP defines a considerable number of priority areas for trade and market-related regulatory reforms, in particular trade facilitation issues including customs legislation and procedures, technical regulations, standards and conformity assessment, sanitary and phyto-sanitary (SPS) issues, consumer protection, right of establishment and company law, financial services and markets, taxation, competition policy, enterprise and SME policy, intellectual and industrial property rights, public procurement and statistics.

¹ http://eeas.europa.eu/enp/index_en.htm

² <http://pao.az/en/newsfeeds/list-all-news-feed-categories/digital-library/other-related-eu-documents/74-euazerbaijan-action-plan/file>

With regard to reforms in the transport sector, the **EU-Azerbaijan Action Plan (AP)** sets out the following priorities in the maritime sector (Chapter 4.6.1):

Encourage the restructuring of the state-owned fleet and port sector (separating regulatory/operational and commercial functions). Further strengthen the regulatory authority;

Implement relevant international **IMO (International Maritime Organisation)**³ conventions; pursue effective enforcement in the areas of Port State Control and Flag State implementation as well as resolutions of the Maritime Environment Protection Committee on tanker safety. Remove single – hull oil tankers from operation within a period of time determined by the **IMO Marpol Convention**⁴.

The ENP-AP also includes co-operation tools, like Twinning, TAIEX and SIGMA, which play an essential role in the achievement of the Action Plan priorities. In particular, the Twinning instrument, which provides for direct co-operation between EU and Azerbaijani public bodies to support institution building activities, has proved to be particularly efficient in policy areas where the expertise required by the beneficiary country exists mainly in the public sector.

2.3.2. Governmental policy and strategy

2.3.2.1 State Programmes

The reforms in the field of the proposed project are stated in:

- Development concept “Azerbaijan - 2020: Vision into the future”,
- “Maritime security strategy” adopted by a Presidential Decree dated 11 September 2013
- Draft Maritime Transport Policy and Strategy Plan 2014-2020-2030”, specifically addresses maritime:
 - feedback and complaints coming from the clients of the maritime transport
 - surveillance, inspection, sanctions and the diffusion of the culture of accident prevention amongst users of the Caspian Sea

a) Azerbaijan - 2020: Vision into the future

Improvement of the transport sector in general is foreseen under the article 5 (Improvement of the transport infrastructure) of the Development concept “Azerbaijan - 2020: Vision into the future”.

It is stated, inter-alia:

“...In order to turn Azerbaijan into a regional trade hub, it is planned to make effective use of the country’s strategic geographical position, develop transit and transport services and form logistical centres in the regions of the country. All this will also increase the country’s attractiveness as a production and investment centre and help create new business and employment opportunities.

The mechanism of managing local and international cargo transportation will improve the integration of the country’s transport system into the international transport system which

³ <http://www.imo.org/>

⁴ [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

will expand. In this regard, it is planned to take general measures that reflect a united strategic approach to automobile, railway, air, underground (metro) and also water transport...

... In the coming years, the construction of the International Sea Trade Port in Alat will be completed, the maritime fleet will be updated and expanded, a transport-logistical centre will be built, Baku-Boyuk Kesik and Baku-Yalama railways will be restored and modernized and Baku-Tbilisi-Kars railway will be put into operation in line with the policy of diversifying the railway network..."

b) Maritime Security Strategy

“Maritime security strategy of the Republic of Azerbaijan” was approved by the Presidential Decree No: 3130 dated 11 September 2013. The Strategy is based on the principles and rules of the international law, the UN Charter, sovereignty, territorial integrity, inviolability of the borders, bilateral negotiations and co-operation between the states. The document is aimed at promoting economic and energy security as well as protection of energy infrastructure at sea.

9 possible external and 8 internal threats are reflected in the Strategy. The Strategy states that these maritime threats can cause serious damages to the national interests of the country.

The Decree also identifies authorities responsible for security of territorial integrity and sovereignty, combat with terrorism, security of energy infrastructure, security of port infrastructure, analysing and collection of information at sea, search and rescue activities, ensuring safety of maritime navigation in territorial waters.

The State Maritime Administration (SMA)⁵ is the principal controller for long range identification and tracking of vessels and mobile offshore units, observation of navigation rules and other relevant technical standards in territorial waters.

c) Draft Maritime Transport Policy and Strategy Plan 2014-2020-2030

A draft **Maritime Transport Policy and Strategy Plan 2014-2020-2030** was developed by a Twinning project, which ended in October 2014 (details in Chapter 3.2.2).

The Plan consist of 5 sections: Maritime Transport, Maritime Safety and Marine Environment Protection, Maritime Security, Ports, Administration Management. Each section included priority policies planned for 2014-2020 and secondary policies for 2020-2030.

The Plan addresses a very broad field and a number of items related to enforcement, liability and compensation. The parts related to the regulatory environment are focusing on the alignment with the relevant EU Acquis: the EU Regulation 392/2009 on liability and compensation – referring to the IMO’s Athens Convention– and the Directive 2009/20/EC – referring to the IMO's CLC Convention.

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2.3.2.2. International Conventions

The Republic of Azerbaijan is a member of the International Maritime Organisation and has ratified and acceded to the main IMO Conventions (MARPOL, STCW and SOLAS).

⁵ www.ardda.gov.az

The list of conventions ratified by the Republic of Azerbaijan is shown in Annex 3 and the mentioned Conventions are in force for the Republic of Azerbaijan.

All IMO Conventions are in force in Azerbaijan. These Conventions are not fully incorporated in the National legislation. The process takes time and is out of the competency of the SMA. Preparatory work on the draft regulations is under way.

Currently the Republic of Azerbaijan updates its operational and practical rules in order to ensure effective implementation of the IMO requirements for safety, security and environmental protection standards. The SMA was assisted for this purpose by a Twinning project, which ended in October 2014 (details in Chapter 3.2.2).

3. Description of the project

3.1 Background and justification

3.1.1. Problems (direct and indirect) to be addressed

The Republic of Azerbaijan, as oil and natural gas producer country, has a key role to ensure maritime safety, maritime security and environmental protection in the current and alternative transport routes to be opened for energy resources from the Caspian region and Central Asia to Europe. Traffic in the Caspian Sea, under Azerbaijani or neighbouring flags, is increasing in all sectors: goods, oil and passengers. The following incidents under Azeri flag had been reported to IMO as very serious:

- 2002 MERCURY-2, total loss 80 miles of the coast, 44 Fatalities
- 2002 GENERAL SHYKHLINSKI, explosion in Turkmenbashi, 6 Fatalities
- 2011 SHIRVAN, fire after welding in Azerbaijan, 1 Fatality

Additionally, the maritime transport in Azerbaijan suffers of:

- pollution in the Caspian Sea, mainly due to existence of pollutant spills from crude oil and derivatives and also from dry and liquid bulk - especially Hazardous and Noxious Substances (HNS);
- inevitable ship accidents due to irresponsibility of ships;
- there is no effective liability regime for ship owners, operators, cargo owners and other stakeholders involved in the Maritime Transport commensurate to the international standards.

This is mainly due to an inappropriate legal framework. Azerbaijan needs to harmonise its legislation with the international legal instruments.

3.1.2. Gaps and Bottlenecks impeding the proposed project achievements

The maritime safety performance of Azerbaijan constitutes one of the problematic areas that need to be addressed in the short run. Despite that the Republic of Azerbaijan ratified the major International Maritime Organization (IMO) and a number of International Labour Organizations (ILO)⁶ Conventions, many conventions are not transposed into the Azerbaijan legislation. The majority of IMO Conventions related to liability and compensation has not been signed so far:

- the sanctioning system for infringements and offences is not compliant to IMO requirements and EU acquis;
- the legal certainty on administrative procedures taken for different offences cases against the Maritime Traffic regulations is not ensured;

⁶ www.ilo.org

3.1.3. Possible EU support to fill the gaps

The main national legal framework for maritime transport is provided by the Merchant Shipping Code, which was adopted in 2001. It is the primary law in the maritime field; relevant amendments were made following the Twinning project described under 3.2.2 but the legislation on liability and compensation still has to be improved.

The EU assistance may concentrate on enhancing the domestic legal framework on shipping and ports as well as improving liability efficiency and effectiveness in order to comply with standards of international instruments and relevant EU Acquis.

3.2 Linked activities

3.2.1. TRACECA

TRACECA⁷ – Transport Corridor Europe Caucasus Asia - is the main related programme. TRACECA was launched in May 1993 and encompasses numerous projects aiming at restoring the former “Silk Road”. Details concerning Azerbaijan might be found in the following website: <http://www.traceca-org.org/en/countries/azerbaijan/azerbaijan-in-traceca/>

The TRACECA programme follows the TRACECA Regional Action Strategy (TRAS).

In this framework, the **SASEPOL**⁸ – Development of Secure Management and Maritime Safety and Ship Pollution Prevention for the Black Sea and the Caspian Sea – was implemented from 2009 to 2011 and delivered outputs linked to this proposed project.

The following reports are available on the <http://www.sasepol.eu/downloads/activityreport/> website:

- Institutional assessment,
- Transposition Plan for MARPOL, SOLAS / ISPS and PSC MoU's
- Port reception facilities

The **TRACECA Maritime Safety and Security II project** is the successor project to SASEPOL and is ongoing (Jan 13 – Jan 16). The project offers technical assistance, advice and training to institutions and authorities in partner countries that are tasked with ensuring maritime safety and environmental protection. It supports partner countries in the implementation of the Regional Action Plan for the Maritime Safety, which was developed under the predecessor project. It fosters regional co-ordination in the field of maritime safety and security between partner countries and the EU and between the countries themselves. It helps them to prepare for a more active participation in the EU accident investigations. It also carries out activities aiming at port security and activities related to the Maritime Labour Convention 2006.

It is delivering a series of workshops on dedicated topics:

- Workshop on Sustainable Performance Management of a Maritime Administration – A quality management approach, Batumi, Georgia, 10 - 12 December 2013
- Workshop on Organizing exchange of experience and best practices on maritime security issues, Istanbul, Turkey, 4-6 February 2014
- Seminar on Ratification of Conventions – From Planning to Implementation, Hamburg, Germany, 25 - 27 March 2014
- Recognized Organizations Monitoring Workshop, Baku, Azerbaijan, 8 – 10 July 2014

⁷ <http://www.traceca-org.org/en/home/>

⁸ <http://www.sasepol.eu/downloads/activityreport/>

- Strengthening of national legislation regarding port reception facilities for ship generated waste and cargo residue, Chisinau, Moldova, 9 – 10 September 2014.

The **Maritime Safety and Security II – EMSA - project** started in June 2014 and shall last 2 years. The project is complementary to the above mentioned one (having same title).

More specifically EMSA will, in close co-operation with all bodies and actors involved, implement specific and ad hoc funded activities as:

- provision of very specific training activities in the field of port State control to be ran for selected Beneficiaries
- provision of training for marine accident investigators
- a pilot project on the CleanSeaNet (CSN), which is the satellite based monitoring tool for marine oil pollution that EMSA developed and manages on behalf of the European Commission and the EU Members States with those beneficiaries that will express an interest
- practical exercise with EMSA's Stand-by Oil Recovery Vessels in selected project's Beneficiaries of the Black Sea

TRACECA maritime linked with port hinterland connections will serve for future access and transport of energy (hydrocarbons) from Azerbaijan (Caspian Basin) to the EU.

3.2.2. Twinning Project finalised on October 2014

In addition to the TRACECA programme, there is a completed 2-year EU Twinning project implemented by the Spanish Ministry of Development (former Ministry of Transports and Public Works).. The Twinning project on **Improvement of Maritime Safety, Security and Marine Environment Protection Twinning project (AZ 11/ENP-PCA/TP/17)** provided support to align the concerned legislation with the short-term priorities of the ENP and to strengthen the capacity of the SMA in implementing the requirements of the EU acquis and IMO Conventions on Maritime Safety, Maritime Security and Marine Environment Protection.

The overall **objective** of the project was to align the Republic of Azerbaijan's national legislation on Maritime Safety, Security and Marine Environment Protection with the short-term priorities of the National Indicative Programme (NIP) and to strengthen the capacity of the State Maritime Administration (SMA) of the Republic of Azerbaijan to transpose and implement the provisions of the European Union acquis and IMO Conventions on Maritime Safety, Security and Marine Environment Protection.

The project's mandatory **results** were as follows:

1. Improved legislative framework for safe and security maritime activities in line with the ratified IMO/SOLAS/LL/COLREG/TONNAGE 69 (including SOLAS XI-2-ISPS code) conventions and the relevant EU regulations and directives
2. Improved legislative framework through regulations in line with the ratified IMO/Marpol and OPRC conventions and the relevant EU directives
3. Improved legal framework for the ports of the Republic of Azerbaijan
4. Updated maritime transport policy and new Maritime Transport strategy and National Action Plan on maritime safety, maritime security and protection of marine environment for the period 2012-2022

The main **outputs** delivered by the project are:

- development of the **National Maritime Transport Policy and Strategy on maritime safety, maritime security and marine environment protection**;
- upgrading of the **Merchant Shipping Code** - major changes on State supervision over commercial shipping, nationality of ship, control of national ships, inspection and certification of ships, ship management and ship agency contracts and others were introduced -;
- preparation of the **Law on the Sea Ports** – the law was approved by Presidential Decree No: 161 dated on 14 May 2014.

The main underlying regulations prepared by the project are:

1. Inspection, certification and compulsory insurance of national ships (FSI)
2. Recognized organizations for inspection and certification of ships
3. Technical control of vessels
4. Port State Control
5. Security of ships and ports
6. Port reception facilities
7. Contingency planning and response
8. Marine pollution preparedness, response and contingency planning
9. Sulphur content of marine fuels.
10. Vessel traffic monitoring and intervention system
11. Identification of national ships
12. Documentary formalities for ships in national ports
13. Disciplinary regulations for seafarers.
14. Maritime Transport Services
15. Passengers Rights In Maritime Transport

In addition, the following regulations were translated from Spanish to English with the aim of further development of underlying regulations on liability:

1. Compulsory insurance of liability of the carrier in the passengers' contract.
2. Compulsory insurance of liability for damages caused by oil pollution.
3. Compulsory insurance of liability for damages caused by HNS.

3.3 Results

Result 1: Primary legislation on administrative liability (Administrative Offences Code and relevant parts of other legislation in force) in the shipping sector and relevant parts of the Criminal Code and Civil Code reviewed, amended and/or new legislation collaborated in line with the International Conventions and EU Acquis on liability and compensation, maritime safety, maritime security and the prevention of marine pollution and submitted for further approval by the relevant authority

The following codes and other national primary legislation should be reviewed, amended and/or elaborated:

- The relevant parts of the Administrative Offences Code and other national primary legislation should be reviewed in relation to the consistency of infringement, sanctions, procedures and other administrative and liability measures required by the International Conventions, the EU Acquis and by the Merchant Shipping Code and its underlying regulations.
- The Criminal Code should be reviewed in relation with the International Conventions and the EU Acquis on unlawful acts at sea and marine pollution criminal offences.

- The Civil Code should be reviewed in relation with the International Conventions provisions on constitution and distribution of civil liability compensation funds.
- The implementation of the liability and compensation Conventions ratified by Azerbaijan and their incorporation into the national law should be reviewed; the results shall be documented in a report describing the national implementation of the IMO requirements into the national law including a summary of the discrepancies found in number and relevance.

Amendments (or new legislation) should be drafted taking into account the:

- Gaps identified during the review
- Merchant Shipping Code as amended
- Maritime Transport Policy and Strategy Plan 2014-2020-2030 drafted within the above mentioned Twinning project
- International Conventions and protocols related to liability and compensation listed in Annex 4 EU Acquis

Key outputs:

- Assessment reports on the gaps and recommendations concerning maritime liability (infringements, sanctions and other complementary enforcement measures) in the concerned codes and other primary legislation; at least, the following codes shall be analysed taking into account the International Conventions listed in Annexe 3 and related EU Acquis: Administrative Offences Code, Administrative Procedural Code, Criminal Code, Civil Code, Civil Procedural Code, Merchant Shipping Code
- Assessment report on possible legal implications of ratification of the International Conventions, which are not ratified by Azerbaijan yet (see Annex 4)
- Relevant amendments to (and/ or new) primary legislation (laws and codes) covering all identified gaps ready for submission for further approval by the relevant authority

Result 2: Secondary legislation on administrative procedures applicable to the determination of infringements of the MSC and its subsidiary regulations provisions reviewed, updated and/or elaborated in order to ensure implementation on the Primary legislation developed/amended under Result 1

The secondary legislation should be developed on the basis of the amended Merchant Shipping Code and other relevant Codes in relation to the liability issues and should be in line with the articles foreseen in the primary legislation drafted under Result 1. The relevant IMO Conventions and EU Acquis as well as articles of draft Maritime Transport Policy and Strategy Plan 2014-2020-2030 should also be taken into account.

Key outputs:

- Assessment reports on the gaps and recommendations concerning the secondary legislation in the field of administrative and civil liability
- Relevant draft amendments to (and/or new) secondary legislation on administrative liability, infringements and sanctions ready for further approval by the relevant authority; draft amendments shall cover all gaps identified of instruments already ratified.

In addition at least drafts of secondary legislation for 2 legal instruments /amendments for the ratification of International Conventions listed in Annexe 4 and not yet ratified by Azerbaijan (not listed in Annexe 3) shall be prepared.

Result 3: Capacity, knowledge and skills of the SMA on EU Acquis and International Conventions, civil liability matters, administrative infringements as well as criminal offences produced in the maritime sector and procedures applied for sanctions, increased

The training needs should be identified, training modules and tools should be prepared, implications on resource capacities **in relation with the results 1 and 2**, in particular concerning the administrative legislation and procedures should be established, trainers for further training of the SMA staff should be prepared.

This result should also be used as a methodology to study real cases on how aspects of administrative infringements and criminal offences at sea, such as non-compliance with the relevant IMO conventions or EU Acquis, lead to appropriate sanctions.

Co-ordination with the ongoing TRACECA projects is a prerequisite

Key outputs:

- Report on training needs for all target groups
- Training toolkit approved by the head of the administration
- Reports on the delivered trainings and workshops with involvement of relevant SMA staff and other institutions
- Reports on the study visits with involvement of relevant SMA staff and other institutions

3.4 Activities

In order to meet the specific mandatory results of this project, the partners may agree on alternative or complementary activities and outputs to those identified in this section.

Project kick-off event

A meeting aiming at presenting the Twinning project to the main involved authorities shall take place at the beginning of the project implementation.

Project closing event

A conference shall present the main results achieved during the project implementation and shall be organised before the conclusion of the project.

Activities related to Result 1:

Activity 1.1: Establish an Inter-ministerial Working Group under the supervision of the project direct beneficiary – the SMA - and define rules of operations.

An Inter-ministerial Working Group, consists of representatives from the Cabinet of Ministers, Ministry of Justice, Ministry of Economy and Industry, Ministry of Ecology and Natural Resources, State Maritime Administration and Caspian Shipping Company CJSC. The Working Group is formed by technical experts in the field of maritime transport or other areas affected by this field or its related legislation. Its takes part in all legal approximation activities (including training).

The main task of this Working Group is to prepare the final draft of the amendments or the new legislations needed.

Activity 1.2: Revision of the Administrative Offences Code

- assess the relevant parts and other pieces of national primary legislation;
- assess its consistency with the infringements, sanctions, procedures and other administrative and liability measures required by the International Conventions, the EU Acquis and by the Merchant Shipping Code and its underlying regulations;
- draft a model of primary legislation on administrative infringements, sanctions, procedures and other measures to be incorporated into national legislation, through amendments either to the Administrative Code or to the Merchant Shipping Code (possible addition of a new Chapter on infringements, sanctions and other complementary enforcement measures).

Activity 1.3: Revision of the Criminal Code

- analyse the relevant parts;
- assess its consistency with the International Conventions and the EU Acquis related to unlawful acts at sea and marine pollution criminal offences;
- draft amendments based on the gaps identified.

Activity 1.4: Revision of the Civil Code

- analyse the relevant parts;
- assess its consistency with the provisions of the International Conventions establishing a system of constitution and distribution of limitation funds for the limitation of liability of maritime claims;
- draft amendments to the Civil Code based on the gaps identified.

Activities related to Result 2:

Activity 2.1: Analyse the regulations on administrative sanction procedures, presently in force; assess their suitability for the proper enforcement of the primary legislation on administrative infringements, sanctions and other measures in the shipping field.

Activity 2.2: Draft the secondary legislation on administrative sanction procedures to be incorporated into the national system, either through amendments to the existing general administrative regulations, or by adopting a new Regulation.

Activities related to Result 3:

Activity 3.1: Undertake a training needs analysis

Activity 3.2: Deliver workshops e.g. on the EU Acquis, International Conventions and protocols listed below (may be combined and prioritised as deemed appropriate):

- Liability for damage suffered by passengers carried on a seagoing vessel; Athens Convention and Reg. EC/392/2009
- Limitation of Liability for Maritime Claims, LLMC and Dir. 2009/20/EC
- Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, HNS Convention (not yet in force)
- Ship-source pollution and the introduction of sanctions for infringements, Dir. 2005/35/EC
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND)

- Depending on the assessment of the implementation level workshops related to the Convention/Protocol on Civil Liability for Oil Pollution Damage (CLC) and or the Convention on Civil Liability for Bunker Oil Pollution (BUNKERS 2001)
- Others (to be defined during the contracting phase)

Activity 3.3: Deliver training sessions on the legislation and procedures developed under the results 1 and 2

Activity 3.4: Share the EU best practices and experience through presenting (study visits) real cases related to the:

- oil pollution by ships and the procedures followed in order to impose sanctions
- violations of applicable administrative legislation by fishing vessels and pleasure crafts and the procedures followed in order to ensure effective sanctions
- pirates attack offence to a ship and the whole criminal procedure followed and resulting in their punishment, including the detention of the pirates at sea and the collection of evidences
- violations of the national legislation on the handling and transportation of dangerous goods by sea and the procedures followed in order to ensure its effective sanctioning
- ratification of Conventions (with a focus on liability related Conventions) and the subsequent implementation (different approaches in different EU Member States)
- oil pollution prevention activities related to offshore activities in the North Sea and the subsequent national legislation related to enforcement and sanctions
- others (to be defined during the contracting phase)

All cases shall be analysed by both the BC and the MS experts in a comparative manner to verify the suitability of the Azerbaijan legislation on sanctions for administrative violations and criminal offences.

Particular attention shall be rendered to the collection of evidences and, if possible, to the participation in the punishment procedures of the involved authorities.

Inter-relation among the mandatory results

The realisation and achievement of the results mentioned above are closely correlated. They will favour better application of the IMO and EU Maritime Safety and Security Requirements in the Republic of Azerbaijan and promote implementation of marine environmental actions.

The legal procedures, which will be developed under the project, will enhance the institutional capacity to sanction bad practices and offences against maritime safety and security.

3.5 Means/Input from the MS Partner Administration

The MS partner administration is expected to provide the Project Leader (MS PL) and Resident Twinning Advisor (RTA) as well as a team of short term experts to support them.

The MS PL is the key link between the partners, acting at an overall operational and strategic level. The RTA resides in the BC and cooperates day-to-day with the BC partners and the MS short-term experts (STEs). STEs will work in Azerbaijan on the basis of specific Terms of Reference (ToR) which will be designed by the RTA for each mission and approved by Beneficiary

It has proved to be an advantage for project implementation in previous Twinning projects when the MS has designated a senior STE to be responsible for each mandatory result/component of the

project (i.e. a component leader) and to liaise with the respective component leader to be nominated by the BA. The BA will nominate counterparts to these key persons (see section 6.3).

The required MS experts must either be civil/public servants of the relevant MS administration or be permanent staff of authorised mandated bodies. All experts must comply with the requirements set in the Twinning Manual.

The nature of work for technical assistance abroad requests strong initiative, good analytical, interpersonal and language skills. All experts shall possess these qualities.

To arrange logistics for the RTA and fix local arrangements such as hotel booking, administrative support etc. for the short-term experts RTA will be supported by a permanent RTA Assistant.

In collaboration with the BA, the RTA assistant will handle administrative arrangements for conferences, training, seminars, etc. including provision of interpreters and the ensuring the translations.

One assistant will be selected during the Twinning contract preparation period.

A full-time interpreter/translator may also be recruited in Azerbaijan and funded by the project. (S)he will perform most of the required interpretation/translation services. Whenever required, e.g. for simultaneous interpretation during seminars and workshops, additional interpretation may be procured and funded by the project. (S)he will provide day-to-day interpretation/translation to the RTA and project experts during meetings.

3.5.1. Profile and tasks of the Project Leader (PL)

The Project Leader (PL) will be based in the MS and will be responsible for the overall management of the project and the coordination of activities performed and ensures the overall quality of the services provide on it. S(he) will have the overall responsibility for the implementation of all twinning activities.

The PL will supervise and coordinate the overall thrust of the project. S(he) will direct the project and will ensure that all the required strategic support and operational input from management and staff of the MS side are available. Together with the Beneficiary PL, he will organise the project Steering Committee (PSC) meetings.

The MS PL would continue to work in her/his MS administration but should devote a minimum of three working days per month to the project with an on-site visit to Azerbaijan at least every three months to participate in the project SC meetings.

Profile:

Qualification and skills

- A University degree in maritime or law or another relevant discipline
- Good command of written and spoken English
- Well developed interpersonal skills
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

General professional experience

- At least 5 years of relevant professional experience in the maritime transport sector
- Experience in project management
- Experience of working in the public sector in the area of maritime or similar

Specific professional experience

- Broad knowledge of current EU-policies, existing structures and methods in the sector
- Experience in maritime administration set-up and institutional framework
- Experience in maritime safety policies would be an asset
- Experience in EU funded projects would be an asset

Tasks:

- Liaising with the BC Administration at the political level
- Overall co-ordination, guidance and monitoring
- Ensuring the direction of the project work
- Ensuring the achievement on time of the mandatory project results
- Ensuring the availability on time of MS-Short Term Experts and other MS resources
- Executing other administrative tasks

3.5.2. Profile and tasks of the Resident Twinning Advisor (RTA)

The Resident Twinning Advisor (RTA) seconded from the EU MS should have at **least five years' work experience as a staff member in a MS national maritime body**, working directly in the field of maritime transportation. A network of functional contacts with related EU and MS institutions will be also an asset.

The RTA will be in charge of the day-to-day implementation of the Twinning project in Azerbaijan. (S)he should co-ordinate the implementation of activities according to a predetermined work plan and liaise with the RTA counterpart in Azerbaijan. **(S)he will reside for the entire implementation period of 24 consecutive months in Azerbaijan and work full-time for the project.** The RTA is expected to be actively involved in the implementation of all activities. (S)he should co-ordinate the project and have a certain level of understanding of all results.

Profile:

Qualification and skills

- A University degree in maritime law, maritime transportation or another relevant discipline
- Good command of written and spoken English
- Good analytical and organisational skills
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

General Professional Experience

- At least 5 years' experience in the maritime transport sector
- Experience in managing teams of experts
- Experience in developing, co-coordinating and conducting training programmes

Specific Professional experience:

- Familiarity with current EU-policies, existing structures and methods in the maritime sector
- Good knowledge of the institutional environment relating to the implementation and enforcement of relevant EU legislation
- Experience in conducting legal reviews would be an asset
- Experience in working in a different cultural environment would be an asset
- Experience in previous, current accession and neighbourhood countries or with similar projects would be an asset

Tasks:

- Day-to-day coordination and implementation of the project activities in Azerbaijan
- Preparation of Terms of Reference (ToR) for STEs' missions
- Managing recruitment and input of short-term experts
- Arranging study tours to MS countries for the staff of the SMA and other involved administrations
- Substantial provision of own expertise
- Ensuring the coherence and the continuity of the inputs and the on-going progress
- Assessing continuously the Twinning-project at all stages and comparing actual progress with the specified benchmarks and time-frame
- Guaranteeing smooth implementation of the different activities;
- Liaising with the BC Project Leader and RTA Counterpart on regular basis
- Liaising with the EU Delegation and the PAO of Azerbaijan
- Preparing interim, quarterly and final reports
- Reporting to the MS-Project Leader

3.5.3. Profile and tasks of the short term experts (STEs)

All required EU institutional and technical expertise will be covered by the short-term experts. The short-term experts should have good experience in the relevant subject matter. The STEs should be civil servants or staff members of the selected MS institution(s). They should have worked in the required fields for not less than 3 years and have appropriate qualifications and necessary skills to implement the above mentioned activities.

The Terms of Reference for the short-term experts will be elaborated by the RTA. The exact number of STEs per activity should be agreed upon during the contract negotiations. There should be a pool of short-term experts to ensure smooth implementation of the project. The STEs should be identified by the Project Leader/RTA and will be agreed with the Beneficiary Administration in the course of design and delivery of the project.

Indicative fields of experience for the short-term experts:

- Maritime transport laws and regulations (IMO Conventions and EU maritime transport regulations and directives)
- Maritime safety and maritime security policies and strategies
- Marine pollution prevention and response systems,
- National contingency planning
- Others (to be defined in the proposal and/or during the contracting phase)

Indicative profile of the short-term experts:

Qualification and skills

- Relevant university degree
- Good command of written and spoken English
- Working knowledge of Azerbaijani, Turkish or Russian would be an asset

General Professional Experience

- At least 5 years' proven experience in the relevant field
- Project and training experience would be an asset
- Working experience in foreign countries would be an asset

Specific professional experience

- Up-to-date knowledge and current experience in the respective field of project activity

- Ability to provide on-the-job transfer of practical know-how

In addition to their missions in Azerbaijan, the STEs are expected to contribute actively in developing programmes for the study visits proposed in the project.

STEs' main tasks:

- Provision of their specific expertise
- Know-how transfer according to the ToR prepared by the RTA and BA
- Reporting on their missions

3.6 Reporting and monitoring

The MS Project Leader must draw up Interim Quarterly Reports and a Final Report. (S)he will be responsible for submitting them to the relevant authority.

For templates and requirements to reporting and monitoring, see the Twinning Manual.

Project Steering Committee (PSC)

The PSC will be convened at least every three months. The PSC will be chaired jointly by the MS PL and the BC PL. The PSC composition will be defined in the Contract according to requirements set in the Common Twinning Manual. Representatives from the PAO of the Republic of Azerbaijan and the EU Delegation, the RTA counterpart and BC PL as well as the RTA, MS PL and BC component leaders will participate in the PSC meetings. Observers from other institutions may be involved from time to time in cross-cutting issues. Representatives from other administrations or short term experts, may also be invited if necessary. The PSC will follow the achievement of the project results and the timely implementation of the project activities in order to identify and rectify any problems that may arise in the course of the implementation of the project.

The secretarial support of the PSC will be provided by the RTA and RTA Assistant, who will prepare the agenda of the meetings, the documents to be discussed as well as the minutes of the meetings.

The working language of the Project implementation will be English. Translation and interpretation will be provided where necessary and where permitted in the provisions of the Twinning Manual.

4. Institutional framework

Responsible authorities for the maritime public domain

The maritime public domain (sector of the Caspian Sea belonging to the Azerbaijan Republic) is governed by three authorities⁹: the Ministry of Natural Resources and Ecology, the Ministry of Emergency Situations and the State Maritime Administration. These authorities participate in the implementation of the protection of the marine basin in the Caspian Sea.

However, the State Maritime Administration (SMA) remains in the co-ordination role for the implementation of operation in case of ship distress, search & rescue operations, environmental marine basin protection or any maritime accident or incident other than minor accidents on board of ships.

The SMA is competent to sanction infringers of the Merchant Shipping, Law on Ports Code and of other relevant instruments, such as the IMO Conventions adopted by the Republic of Azerbaijan.

⁹ The hydrographical service is under the Ministry of Defence but their main functions is to draw charts and maps of seaways and public domain is not under their competency

Responsibilities of the State Maritime Administration

The State Maritime Administration was established, by the Presidential Order No. 1271 dated on 6 February 2006. As defined in the Statute of the State Maritime Administration of the Republic of Azerbaijan, SMA is the Central Executive Power on implementation of the State policy and control in the maritime field. The administration carries out its activity with the purpose of safety and effective navigation.

The main responsibility areas of the administration are the following:

- Safety of navigation
- Accident investigation
- Flag State and Port State control policies
- Legislation drafting and control over implementation of legislative requirements
- Protection of Marine Environment
- Navigational aids and navigational systems
- Search and Rescue at sea¹⁰
- Pilot services
- Registration of vessels
- Maritime training and certification of maritime training institutes
- Survey and certification port facilities
- Ship wreck removal and salvage removal
- SOLAS surveys
- ISPS inspections

With its Flag State inspectors, the SMA is responsible for the application of the MARPOL and SOLAS conventions and also for the other ratified or acceded IMO/ILO conventions.

Although there is no regional Memorandum of Understanding (MoU) on the Port State Control in the Caspian Sea domain, Azerbaijan is “observer” since 2011 to the Black Sea MoU, which contains similar provisions and agreements to the Paris MoU for Port State Control activities. The SMA follows up the activities related to this MoU.

SMA structure

In order to carry out its functions, the SMA is currently structured in a Central Administration and two bodies (Transport Technical maintenance office and Maritime Safety Centre) under its supervision.

As shown in the Annexe 5, the Central Administration of the SMA consists of five policy departments, among which the following three departments and the newly established Maritime Security Centre will be involved to the implementation to the project:

- Department of Law, Human Resources and International Relations (number of staff – 3)
- Department of Control on Ships standards and licensing (number of staff – 4)
- Department of Maritime Navigation (number of staff – 3)

The Maritime Safety Centre (MSC) was established under the SMA by the Presidential Decree No 338 dated 14 March 2014 on the bases of the Long Range Identification and Tracking National Centre. The later was created within the Central Administration in 2011 to take appropriate measures in order to implement control on navigation provision in seaways and position of ships at the anchor

¹⁰ Search and Rescue operations are not carried out by the sole Ministry of Emergency Situations. The main co-ordination centre is established at the State Maritime Administration (e.g LRIT national centre). In such cases the SMA co-ordinates operations, firstly informing the Ministry of Emergency Situations (MES). The MES sends an operation group to the place and informs the nearest vessel and port. It remains the competency of the SMA to conclude governmental agreements with other countries in the field of search and rescue.

stations. These measures included transmitting the relevant data concerning the navigational warnings and weather forecast to ships and providing radiolocation observations to be transmitted to the appropriate areas.

The main responsibilities of the Centre are to implement the pilotage services in the ports, to arrange the duties of inspectors and harbour masters who carry out inspections in the Azerbaijani ports, to participate at the development of a maritime safety system and at maritime accidents investigations, to give proposals regarding the mandatory and non-mandatory areas for passage service of pilotage.

The total staff number of the Central Administration of the SMA is **84** and the number of staff of the MSC is **135**.

Other authorities involved by the Republic of Azerbaijan

Apart from the SMA staff, representatives of the following Azerbaijani State bodies will be involved to the implementation of the project:

Cabinet of Ministers –The Cabinet of Ministers (CoM) is the superior executive body, above the line Ministries, Agencies and State Committees. The CoM adopts decrees, orders and others.

Ministry of Justice – The Ministry of Justice is the central executive authority carrying out the state policy and regulation in the field of justice in accordance with the directions given by the legislation. It has a status of law enforcement authority.

The **Ministry of Ecology and Natural Resources** is the central executive authority carrying out the state policy on protection of the environment, organisation of using of nature, efficient use of underground water, mineral raw materials and resources and surface natural resources, their restoration, the observation and forecasting of hydro meteorological processes in the territory of the Republic of Azerbaijan, as well as section of the Caspian Sea belonging to Azerbaijan.

The **Ministry of Economy and Industry** is the central executive authority forming and carrying out the state policy in the field of socio-economic development and international co-operation, including macro-economic, trade, investment, and business development, restriction of monopolies and development of competition.

An inter-ministerial Working Group will be created for the twinning project purpose (see above indicative activity 1.1).

5. Budget

The maximum budget allocated to this Twinning project is € 1,200,000.

The Azerbaijani beneficiary administration will provide the RTA and other MS experts with office space in its main building in Baku, equipment and other provisions as stated in the Common Twinning Manual.

6. Implementing arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting

The Implementing Agency responsible for tendering, contracting and accounting is the European Commission represented by **the Delegation of the European Union to the Republic of Azerbaijan**.

The persons in charge of this project at the Delegation of the European Union to the Republic of Azerbaijan are:

Mr Jeroen WILLEMS

Head of Cooperation

Delegation of the European Union to the Republic of Azerbaijan

Landmark III, 11th Floor, 90A, Nizami street,

AZ 1010 Baku, Republic of Azerbaijan

Tel. +994 12 497 20 63 (ext. 853)

Fax +994 12 497 20 69

E-mail: Jeroen.Willems@eeas.europa.eu

Website: <http://eeas.europa.eu/delegations/azerbaijan>

6.2 Main counterparts in the Beneficiary country

Programme Administration Office in Azerbaijan (PAO)

The person in charge of this project at the PAO is:

Mr. Ruslan Rustamli, Director of PAO

Head of the Department on Cooperation with International organizations

Ministry of Economic Development of the Republic of Azerbaijan

6th floor, Government House,

40 Uzeyir Hajibeyov Street

Baku, AZ 1000

Republic of Azerbaijan

Tel.: (+994 12) 493 88 67 (ext. 2115)

Fax: (+994 12) 598 07 86

Email: r.rustamli@economy.gov.az

Website: <http://pao.az>

Beneficiary Administration – SMA

The Beneficiary Administration has nominated its main counterparts to the MS PL and RTA:

Project Leader – Mr Ahmad ISMAYILOV

Chief of Staff

2B Khanlar Steet, Baku, AZ 1003 Azerbaijan

Tel.: (+994 12) 497 44 05 (ext. 107)

Fax: (+994 12) 497 44 06

Email: a.ismayilov@ardda.gov.az

ahmadismayilov@yahoo.com

RTA counterpart – Mr Farhad MAMMADOV

Head of the Department of Law, Human Resources
and International Relations, SMA

2B Khanlar Steet, Baku, AZ 1003 Azerbaijan

Tel: (+994 12) 497 44 05 (ext. 114)

Fax: (+994 12) 497 44 06

Email: f.mammedov@ardda.gov.az

During the contracting phase of the project, the beneficiary administration will nominate leaders for each of the three results.

6.3 Contracts

Only one Twinning contract is foreseen for this project.

A new Financial Regulation applicable to the general budget of the European Union entered into force on 1st January 2013¹¹. This implies several changes to the Twinning contract templates. An updated version of the Twinning Manual and of its Annexes, incorporating these changes, is in preparation and shall be published soon on EuropeAid website¹². The Twinning contract, which shall be signed as a result of the present procedure shall follow the templates of the updated Twinning Manual and Annexes.

7. Implementation schedule (indicative)

7.1 Launching of the call for proposals: December 2014

7.2 Start of project activities: September 2015

7.3 Work plan duration: 24 months

8. Sustainability

The Twinning project will have to seek sustainable solutions and approaches based on the adoption of best practices and thus prepare the grounds for Azerbaijani enhanced compliance with the selected EU Acquis and specifically best European practices in the field of maritime transportation.

Sustainability issues will be further elaborated in the course of the preparation of the project contract as a joint responsibility of the MS partner and the Beneficiary Administration. Besides, in the final report, twinning partners will include specific recommendations and strategies for consolidating and safeguarding the achievement of mandatory results in the beneficiary administration.

To ensure sustainability, Beneficiary Administrations should be provided with the training materials (all handovers) in both languages, English and Azerbaijani. That means that a budget for the translation of Guidelines, Handbooks, Glossaries, Methodology Manuals, etc. developed within the project should be foreseen.

9. Cross-cutting issues

9.1 Equal opportunity

The proposed project will comply with EU equal opportunity policies. Equal treatment of women and men in project implementation at all levels will be one of the most important principles in the project management and implementation. The beneficiaries are already equal opportunity employers. In particular, great attention will be given to the equality principle in the training of personnel and the recruitment of the STEs. Of course, appropriate professional qualifications and experience will be the

¹¹ Financial Regulation: Regulation (EC, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:FULL:EN:PDF>

¹² Rules of Application: Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

http://ec.europa.eu/europeaid/where/neighbourhood/overview/twinning_en.htm

main decisive factors in personnel recruitment and evaluation but, subject to that, both women and men will have identical prospects.

9.2 Environment

The principle of implementation of this Twinning project is based on a paperless work environment. This means, in particular, minimizing paper use during project implementation by the maximum feasible use of e-mails and, if available, project web-site and/or project electronic data base for cooperation between partners. Documents are automatically saved in electronic format.

List of the abbreviations

BC	Beneficiary Country
ENP	European Neighbourhood Policy
ENP AP	European Neighbourhood Policy Action Plan
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union
ILO	International Labour Organization
IMO	International Maritime Organization
MoF	Ministry of Finance
MoT	Ministry of Transport
MoU	Memorandum of Understanding (Paris, Mediterranean, Black Sea)
MS	Member State
MS PL	Member State Project Leader
NIP	National Indicative Programme
PAO	Programme Administration Office
PCA	Partnership and Cooperation Agreement
RTA	Resident Twinning Adviser
SASEPOL	Safety, Security and Pollution Prevention program
SMA	State Maritime Administration of the Republic of Azerbaijan
STE	Short Term Expert
TAIEX	Technical Assistance Information Exchange Office
ToR	Terms of Reference
TRACECA	Transport Corridor development program Europe-Caucasus-Asia
AIS	Automated vessel identification system
FSI	Flag State Implementation
LRIT	Long Range Identification and Tracking
PSC	Port State Control
VTMIS	Vessel Traffic Management and Information System
INTERVENTION	Convention for intervention of coastal States regarding ship casualties in high seas
ISPS	International Code for the Security of Ships and of Port facilities
LRIT	Long Range Identification & Tracking
MARPOL	Convention on prevention sea pollution from ships
OPRC	Convention on oil pollution, preparation, response and cooperation
SAR	Convention on search and rescue at sea
SOLAS	Safety of lives at sea Convention
TEHRAN	Multi-lateral agreement on maritime transport in the Caspian Sea

ANNEXES

1. Logical framework matrix in standard format
2. List of relevant Laws and Regulations
3. List of IMO Conventions ratified by Azerbaijan
4. International Conventions covering liability and compensation
5. Structure of the SMA

ANNEX 1: Logical Framework Matrix*

Support to the State Maritime Administration to improve Liability in Maritime Transport in the Republic of Azerbaijan		Programme name and number:	AZ/14/ENP/TP/34
State Maritime Administration of the Republic of Azerbaijan		ENPI AAP 2011	
		Contracting period expires:	Disbursement period expires:
		Total budget: 1,200,000 EUR	
	Objectively Verifiable Indicators	Sources of Verification	Assumptions
Overall objective:			
To improve liability issues in maritime safety, security and marine environment protection	<ul style="list-style-type: none"> • Decreased number of pollution incidents from ships (10%) one year after enforcement of the maritime liability procedures • Decreased number of marine pollution incidents by unknown causes (10%) one year after enforcement of the maritime liability procedures 	<ul style="list-style-type: none"> • SMA Reports • Project Reports • IMO Reports 	
Project purpose:			
To ensure a proper implementation and enforcement of maritime liability procedures foreseen in the international conventions on maritime safety, security and the prevention of the marine pollution in the related EU Acquis	<ul style="list-style-type: none"> • Increased number of processed maritime offences (10%) one year after enforcement of the maritime liability procedures 	<ul style="list-style-type: none"> • SMA Reports • Project Reports • IMO Reports 	<ul style="list-style-type: none"> • Political willingness and continuous commitment of national authorities • Good inter-sector communication • Relevant conventions ratified by Azerbaijan
Mandatory Results:			
1. Primary legislation on administrative liability (Administrative Offences Code and relevant parts of other legislation in force) in the shipping sector and relevant	<ul style="list-style-type: none"> • Identified gaps and recommendations concerning maritime liability (infringements, sanctions and other complementary enforcement measures) 	<ul style="list-style-type: none"> • SMA Reports • Project Reports • Copies of draft primary legislation 	<ul style="list-style-type: none"> • Approval of amendments and new legislation is at least partly achieved

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parts of the Criminal Code and Civil Code was reviewed, amended and/or new legislation collaborated in line with the International Conventions and EU Acquis on liability and compensation, maritime safety, maritime security and the prevention of marine pollution and submitted for further approval by the relevant authority	<p>in the concerned codes and other primary legislation</p> <ul style="list-style-type: none"> • List of possible legal implications of ratification of the International Conventions listed in Annex 4 • Relevant amendments to (or new) primary legislation (laws and codes) 	endorsed by the head of SMA	
2. Secondary legislation on administrative procedures applicable to the determination of infringements of the MSC and its subsidiary regulations provisions was reviewed, updated and/or elaborated in order to ensure implementation on the Primary legislation developed/amended under Result 1	<ul style="list-style-type: none"> • Identified gaps and recommendations concerning the secondary legislation the field of administrative and civil liability • Relevant draft amendments to (and/or new) secondary legislation on administrative liability, infringements and sanctions 	<ul style="list-style-type: none"> • SMA Reports • Project Reports • Copies of draft secondary legislation endorsed by the head of SMA 	<ul style="list-style-type: none"> • Approval of amendments and new legislation is at least partly achieved
3. Capacity, knowledge and skills of the SMA on EU Acquis and International Conventions, civil liability matters, administrative infringements as well as criminal offences produced in the maritime sector and procedures applied for sanctions were increased	<ul style="list-style-type: none"> • Training toolkit • Number of workshops/trainings/study visits • Number of trained people 	<ul style="list-style-type: none"> • Report on training needs for all target groups • Training toolkit approved by the head of the administration • SMA Reports • Reports on the delivered trainings and workshops with involvement of relevant SMA staff and other institutions • Reports on the study 	<ul style="list-style-type: none"> • Willingness of trained staff to apply maritime liability procedures

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		visits with involvement of relevant SMA staff and other institutions	
	Means	Costs	
Visibility actions			
0.1. Kick-off meeting			
0.2. Quarterly meetings of the Steering Committee			
0.3. Final conference			
Activities to achieve result 1:			
1.1. Establish Inter-ministerial Working Group under the supervision of the project direct beneficiary - SMA and definition of rules of operations			• External stakeholders are willing to co-operate
1.2. Revision of the Administrative Offences Code <ul style="list-style-type: none"> - asses the relevant parts and other pieces of national primary legislation; - assess its consistency with the infringements, sanctions, procedures and other administrative and liability measures required by the International Conventions, the EU Acquis and by the Merchant Shipping Code and its underlying regulations; - draft a model of primary legislation on administrative infringements, sanctions, procedures and other measures to be incorporated into national legislation, through 			• Legislation for review is available in English

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amendments either to the Administrative Code or to the Merchant Shipping Code (possible addition of a new Chapter on infringements, sanctions and other complementary enforcement measures).			
1.3. Revision of the Criminal Code - analyse the relevant parts; - assess its consistency with the International Conventions and the EU Acquis related to unlawful acts at sea and marine pollution criminal offences; - draft amendments based on the gaps identified.			
1.4. Revision of the Civil Code - analyse the relevant parts; - assess its consistency with the provisions of the International Conventions establishing a system of constitution and distribution of limitation funds for the limitation of liability of maritime claims; - draft amendments to the Civil Code based on the gaps identified.			
Activities to achieve result 2:			
2.1. Analyse regulations on administrative sanction procedures, presently in force and assess its suitability for the proper enforcement of the primary legislation on administrative infringements, sanctions and other measures in the			<ul style="list-style-type: none"> • Legislation for review is available in English

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shipping field			
2.2. Draft the secondary legislation on administrative sanction procedures aimed to be incorporated into the national system of legislation, either through amendments to general existing administrative regulations, or adopting a new Regulation on the subject matter			
Activities to achieve result 3:			
3.1. Training needs analysis			
3.2. Workshops e.g. on EU Acquis, International Conventions and protocols listed below (may be combined and prioritised as deemed appropriate): <ul style="list-style-type: none"> • Liability for damage suffered by passengers carried on a seagoing vessel; Athens Convention and Reg. EC/392/2009 • Limitation of Liability for Maritime Claims, LLMC and Dir. 2009/20/EC • Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, HNS Convention (not yet in force) • Ship-source pollution and the introduction of sanctions for infringements, Dir. 2005/35/EC • International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) 			<ul style="list-style-type: none"> • External stakeholders are willing to co-operate • Adequate, co-operative and stable staff • Adequate logistics • Access to facilities and documentation • Translation and interpretation quality • External stakeholders are willing to co-operate

<ul style="list-style-type: none"> Depending on the assessment of the implementation level workshops related to the Convention/Protocol on Civil Liability for Oil Pollution Damage (CLC) and or the Convention on Civil Liability for Bunker Oil Pollution (BUNKERS 2001) <i>Others to be defined during contracting phase</i> 			
3.3. Training sessions on the legislation and procedures developed under results 1 and 2			See above
3.4. Share the EU best practices and experience through (study visits) presenting real cases related to the: <ul style="list-style-type: none"> oil pollution by ships and the procedures followed in order to impose sanctions, violations of applicable administrative legislation by fishing vessels and pleasure crafts and the procedures followed in order to ensure effective sanctions, pirates attack offence to a ship and the whole criminal procedure followed and resulting in their punishment, including the detention of the pirates at sea and the collection of evidences, violations of the national legislation on the handling and transportation of dangerous goods by sea and the procedures followed in order to ensure 			

<p>its effective sanctioning,</p> <ul style="list-style-type: none"> • ratification of Conventions (with a focus on liability related Conventions) and the subsequent implementation, different approaches in different EU Member States, • oil pollution prevention activities related to offshore activities in the North Sea and the subsequent national legislation related to enforcement and sanctions, • etc. 			
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** - This Logical Framework Matrix is tentative. The Twinning partners shall revise the content of the Logical Framework Matrix, mainly measurable indicators / benchmarks basis of commonly agreed activities and outputs during the drafting of the work plan for this project*

Annexe 2: Legal Framework

Main adopted laws normative legal acts:

- Statute of the State Maritime Administration of the Republic of Azerbaijan, 20 April 2006
- Merchant Shipping Code of the Republic of Azerbaijan, 22 June 2001
- Regulations of the ship's registration in the Republic of Azerbaijan, 04 June 2010
- Statute on Harbour Master, Regulations on Marine Accidents Investigation and Statute on control of vessels, 04 April 2013

Laws and regulations approved in 2014:

- Law “on Sea ports” with the aim to regulate the relations arising from the merchant shipping in Azerbaijan Republic sea ports, construction of ports, opening and closing procedures, the implementation of the activities in ports, including the provision of services, as well as determining the state regulation basis of activities in ports, approved by the President of the Republic of Azerbaijan on 14 May 2014;
- Statute of the Maritime Navigation Safety Centre under the State Maritime Administration of the Republic of Azerbaijan was approved by the Cabinet of Ministers on 14 March 2014. The Centre is responsible for ensuring the activities of maritime navigation safety system organized by Administration, efficient arrangement of control inspection (port state and flag state control) of ships and port captains activities, provision of guide services and implementation of regulation on maritime navigation;
- “Amendments to the “Statute on State Maritime Administration of the Republic of Azerbaijan”, approved by the President of the Republic of Azerbaijan on 20 April, in 2006. Amendments related to the determination of the sea routes, as well as the places for installation of navigation equipment at sea routes at and the coast, conduction of ports state registry, delivery of documents intended in “International Ship and Port Facility Security Code” to the ports, etc.

Legislation under drafting process:

- Regulations on ensuring of security at ports during the unlawful acts,
- Regulations on security of ports and port facilities.
- Regulations on navigation in territorial waters of the Republic of Azerbaijan,
- Regulations on port services,
- Regulations on realized cargo by marine terminal operator and recordkeeping.
- Regulations on example of certificate, validity date, issuance and cancellation for providing services by ship agent at ports,
- Regulations on holding of competition on leasing facilities of port infrastructure that are under property of state,
- Regulations on conduction of registry of Sea Ports of the Republic of Azerbaijan
- Statute of ship agent

Annexe 3: List of IMO Conventions ratified by Azerbaijan¹³¹⁴:

Instrument	Date of signature or deposit	Date of entry into force
SOLAS 1974	01 July 1997	1 October 1997
SOLAS 1988	16 July 2004	16 October 2004
COLREG 1972	1 July 1997	1 July 1997
MARPOL 1978 Annex I+II	16 July 2004	16 October 2004
MARPOL 1978 Annex III	16 July 2004	16 October 2004
MARPOL 1978 ANNEX IV	16 July 2004	16 October 2004
MARPOL ANNEX V	16 July 2004	16 October 2004
MARPOL 1997 Annex VI	16 July 2004	19 May 2005
FAL 1965	12 June 2006	11 August 2006
Load Line 1966	1 July 1997	1 October 1997
Load Line Prot 1988	16 July 2004	16 October 2004
Tonnage 1969	1 July 1997	1 October 1997
CLC 1969	16 July 2004	14 October 2004
CLC Prot 1976	16 July 2004	14 October 2004
CLC Prot 1992	16 July 2004	16 July 2005
LLMC 1976	16 July 2004	1 November 2004
STCW 1978	1 July 1997	1 October 1997
SUA	26 January 2004	25 April 2004
SUA Prot	26 January 2004	25 April 2004
SALVAGE 1989	12 June 2006	12 June 2007
OPRC 1990	16 July 2004	16 October 2004
BUNKERS 2001	22 June 2010	22 September 2010
LC 1972	1 July 1997	31 July 1997

¹³ source: www.imo.org;

¹⁴ IMO Convention 1948 and amendments are not listed

Annexe 4: Conventions covering Liability and Compensation¹⁵

- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969) (in force);
- Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended (INTERVENTION PROT 1973) (in force);
- International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969) (in force);
- Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1976) (in force);
- Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992) (in force);
- Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971 (NUCLEAR 1971) (in force);
- Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992) (in force);
- Protocol of 2000 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1972 1971 (FUND PROT 2000) (in force);
- Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 1971 (FUND PROT 2003) (in force);
- Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL 1974) (in force);
- Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1976) (in force);
- Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1990) (not yet in force);
- Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 2002) (not yet in force);
- Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 1976) (in force);
- Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC PROT 1996) (in force);
- International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996) (not yet in force);
- Protocol of 2010 to amend the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS PROT 2010);
- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (BUNKERS 2001) (in force);
- Nairobi International Convention on the Removal of Wrecks, 2007 (NAIROBI WRC

¹⁵ Source: www.imo.org

2007) (not yet in force); and

Instruments which are in force or applicable but which are no longer fully operational because they have been superseded by later instruments

Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1976)

Instruments not yet in force and not intended to enter into force

Protocol of 1984 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1984)

Protocol of 1984 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1984)

Annexe 5: Organisational Structure of the SMA

THE FUNCTIONAL STRUCTURE OF THE STATE MARITIME ADMINISTRATION OF THE REPUBLIC OF AZERBAIJAN

