

## THE FUNCTIONING OF MARITIME SEARCH AND RESCUE TEAMS

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### COMPARISON OF THE LEGAL ORGANIZATION OF SEARCH AND RESCUE AT SEA IN UKRAINE AND LATVIA

### ПОРІВНЯННЯ ПРАВОВОЇ ОРГАНІЗАЦІЇ ПОШУКУ ТА РЯТУВАННЯ НА МОРІ В УКРАЇНІ ТА ЛАТВІЇ

**Kuprii Alla Anatoliivna**

*Postgraduate Student at the Department  
of International Law and Comparative  
Law Institute of Law, Economics and  
International Relations  
International Humanitarian University  
Odesa, Ukraine*

**Купрій Алла Анатоліївна**

*аспірант кафедри міжнародного  
права та порівняльного  
правознавства Інститут права,  
економіки та міжнародних відносин  
Міжнародного гуманітарного  
університету  
м. Одеса, Україна*

It is generally recognized that comparative legal research is an effective way to improve national law.

In particular, the analysis and study of the advantages and disadvantages of the legal organization of search and rescue at sea in different countries provides an opportunity to implement the most effective and efficient ways to improve the legal problems of your country.

Ukraine, as a state of Eastern and partly Central Europe, has chosen the path to joining the European Union as a member state as a strategic direction of its economic development.

On June 23, 2022, the European Council endorsed the recommendation of the European Commission and granted Ukraine the status of a candidate for accession to the European Union, subject to the fulfillment of certain criteria.

On December 14, 2023, the leaders of the European Union supported the opening of negotiations on Ukraine's accession to the EU.

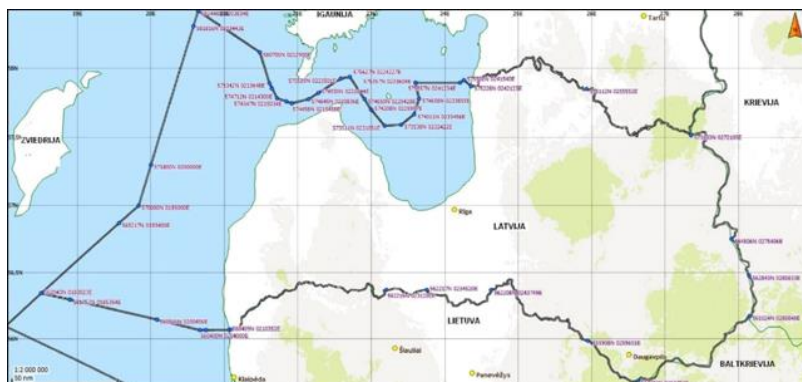
Ukraine's adherence to high European standards in various spheres of life, including the organization of search and rescue at sea, is one of the links to meeting the criteria for maintaining the status of a candidate state for accession to the European Union.

That is why, in order to compare the legal system of maritime search and rescue in Ukraine, we will compare it with the system of one of the EU member states, namely the Republic of Latvia.

What are the common features and differences between the legal systems of search and rescue at sea in Latvia and Ukraine?

A common feature of Ukraine and Latvia is that both countries are coastal states represented by membership in maritime international organizations.

Thus, Latvia is a coastal state of the Baltic Sea and the Gulf of Riga and has been a member of the International Maritime Organization (IMO) since 1993.



Latvia's territory is bordered by the Baltic Sea with a coastline of 269 miles and the Gulf of Riga in the east. The Gulf of Riga extends 174 km into the land, with a total area of 18.1 thousand km<sup>2</sup>: 137 km wide and a maximum depth of 54 m.

The water area is equal to the maritime search and rescue area of Latvia.

Ukraine is a coastal state of the Black and Azov Seas, the Kerch Strait and the navigable part of the Danube River and has been a member of the IMO since 1994 [1].

The maritime search and rescue area of Ukraine covers an area of more than 137 thousand square kilometers with intensive shipping. After the occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, 527 miles of the maritime section of the state border of Ukraine, 18.6 thousand square kilometers of the exclusive (maritime) economic zone and 35 kilometers of the continental coast of the Sea of Azov remain temporarily uncontrolled [2].



Accordingly, the search and rescue of human life in the event of a maritime disaster is an international obligation of Ukraine and Latvia as coastal countries. The primary basis of this obligation is enshrined in the 1982 UN Convention on the Law of the Sea in Article 98: "Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea..." [3].

In detailing this obligation, the International Manual on Maritime Search and Rescue (hereinafter – IAMSAR, Volume I), paragraph 1.3 defines the legal basis for the search and rescue service, namely: «1.3.4. Every State should have in place statutes and related provisions that establish a legal foundation for establishing a SAR organization and its resources, policies, and procedures. 1.3.5 SAR managers should seek legal advice on how domestic and international laws pertain to SAR policies and procedures». In addition, IAMSAR, Volume I, paragraph 1.3.9. provides a sample legislative act in Annex A [4].

In Latvia, such a legislative act is the Maritime Administration and Marine Safety Law of Latvia, Article 46 of which sets out the basic principles of search and rescue at sea and over the sea [5].

At the same time, according to paragraph 1 of Article 46 of the Maritime Administration and Marine Safety Law of Latvia, the operations for search and rescue, as well as the co-ordination of the provision of assistance and the granting places of refuge for vessels shall be performed by the Coast Guard in accordance with the requirements of the SAR Convention and the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR). The above indicates that not only the provisions of the International Convention, but also the provisions of the IAMSAR,

which significantly details and regulates the organization itself, are binding under Latvian law.

At the same time, the legal framework for search and rescue at sea in Ukraine differs, as the principles of search and rescue at sea are not established at the legislative level, and such legal relations are regulated by subordinate legal acts, namely, the Resolutions of the Cabinet of Ministers of Ukraine No. 1069 of October 20, 2011, No. 227 of March 6, 2022, etc.

There is also a difference in the functional approach to the organization of search and rescue at sea in Ukraine and Latvia.

Thus, Latvia, as a member state of the European Union, organizes search and rescue at sea in accordance not only with international conventions but also with European legislation.

Regulation (EU) No. 2016/1624 of the European Parliament and of the Council of 14 September 2016, paragraph 44, states that:

«National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 (1) and the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council (2) should therefore strengthen their cooperation both with each other and with the national authorities carrying out coast guard functions to increase maritime situational awareness and to support coherent and cost-efficient action. Synergies between the various actors in the maritime environment should be in line with the European integrated border management and maritime security strategies» [6].

Accordingly, in accordance with Article 46 (1) of the of the Maritime Administration and Marine Safety Law of Latvia, the operations for search and rescue, as well as the co-ordination of the provision of assistance and the granting places of refuge for vessels shall be performed by the Coast Guard, whose functions include not only search and rescue at sea, but also other inherently related functions, such as prevention of environmental pollution from ships.

In Ukraine, the international obligation on search and rescue at sea and over the sea is fulfilled by several state structures, namely: The National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine under the Civil Protection Code of Ukraine, the Ministry of Community, Territorial and Infrastructure Development under the Merchant Shipping Code of Ukraine, and the State Border Guard Service of Ukraine under the Law of Ukraine "On Border Control", which creates some disparity in regulation.

At the same time, the legal regulation of the function of preventing environmental pollution from ships in Ukraine is not linked to the organization of search and rescue at sea.

Meanwhile, Ukraine has approved the Integrated Border Management Strategy for the period up to 2025, which is close to the European organization of the functional division of search and rescue at sea and will be gradually implemented, by the Order of the Cabinet of Ministers of Ukraine No. 687-r dated July 24, 2019.

Thus, in the process of comparing the legal organization of search and rescue at sea in Ukraine and Latvia, it was determined that the legal framework for the organization of search and rescue at sea between the two countries has both common and distinctive features.

The main differences between the organization of search and rescue at sea in Ukraine and the organization of such a function in Latvia are focused on the regulation of such legal relations at the level of by-laws rather than at the level of a legislative act, and also on the peculiarities of the implementation of the integrated coast guard in the Republic of Latvia, which is not limited to the issues of direct search and rescue of human life at sea, but also performs other related functions, in particular, border control, prevention of environmental pollution from ships, etc.

Thus, based on the results of the comparison of legal approaches to search and rescue at sea in Ukraine and Latvia, it is necessary to gradually regulate the areas of public life in Ukraine in the context of European integration in comparison with the legal system of the EU member states.

### **Bibliography:**

1. Official website of the Latvian Coast Guard. URL: <https://www.imo.org/en/OurWork/ERO/Pages/MemberStates.aspx> [in Latvian].
2. Стратегія інтегрованого управління кордонами на період до 2025 року: розпорядження Кабінету Міністрів України від 24 липня 2019 року № 687-р. URL: <https://zakon.rada.gov.ua/laws/show/687-2019-%D1%80#Text> [in Ukrainian].
3. United Nations Convention on the Law of the Sea adopted by the Third United Nations Conference on the Law of the Sea and opened for signature, together with the Final Act of the Conference, at Montego Bay, Jamaica, on 10 December 1982. URL: [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) [in English].
4. International Aeronautical and Maritime Search and Rescue Manual. IAMSAR Manual Volume I : Organization and Management, 2022 Edition / IMO, 2022 [in English].

5. Jūrlietu pārvaldes un jūras drošības likums: Latvijas 2002. gada 30. Oktobra likums URL: <https://likumi.lv/ta/id/68491-jurlietu-parvaldes-un-juras-drosibas-likums> [in Latvian].

6. REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016. URL: <https://eur-lex.europa.eu/eli/reg/2016/1624/oj> [in English].

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## INTERNATIONAL LEGAL PROVISION OF MARITIME SAFETY IN THE CONTEXT OF SEARCH AND RESCUE OPERATIONS

### МІЖНАРОДНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ МОРСЬКОЇ БЕЗПЕКИ В КОНТЕКСТІ ПОШУКОВО-РЯТУВАЛЬНИХ РОБІТ

**Sviatiuk Sviatoslav Pavlovich**

*Postgraduate Student at the Department  
of International Law  
and Comparative Jurisprudence  
V.M. Koretsky Institute of State and  
Law of National Academy of Sciences  
of Ukraine  
Kyiv, Ukraine*

**Святюк Святослав Павлович**

*аспірант відділу міжнародного  
права та порівняльного  
правознавства  
Інститут держави і права  
імені В.М. Корецького Національної  
академії наук України  
м. Київ, Україна*

Незважаючи на здобутки міжнародної спільноти у сфері забезпечення міжнародної морської безпеки, забезпечення безпеки руху і експлуатації суден, світова статистика свідчить, що рівень аварійності світового морського флоту все ще залишається на дуже високому рівні. При цьому, негативні наслідки аварій морських суден поширюється як на їхні екіпажі та пасажирів, так і на прибережні країни в цілому. Тому, питання удосконалення міжнародно-правового забезпечення морської безпеки в контексті пошуково-рятувальних робіт є актуальним питанням в умовах сьогодення і потребує наукових розробок.

Мета дослідження полягає у комплексному загально-теоретичному аналізі міжнародно-правового забезпечення морської безпеки в контексті пошуково-рятувальних робіт.

Серед міжнародних договорів, що встановлюють стандарти в сфері забезпечення морської безпеки в контексті пошуково-рятувальних робіт є: Женевська «Конвенція про відкрите море» від 29.04 1958 року та «Міжнародна конвенція про рятування» від 28.04.1989 року,