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Legal Regime of Russian Seaports: Security Policy Updates

ABSTRACT

The article is addressed to the groups of regime rules of the Russian Federation (RF) seaports that are of the highest relevance and have undergone significant changes in legal regulation in 2020. The impact of new challenges and threats, destructive for the port industry and the country as a whole, was relieved thanks to timely and effective measures. Updating the organizational and legal mechanism of sanitary control and quarantine formalities in seaports was considered against the COVID-19 pandemic. Their effectiveness and correspondence with world practices are noted. Analysis of the legal regulation of transport security and ensuring the protection of seaports showed the directions for further rulemaking works and the construction of an integrated

safety and security system for a seaport by eliminating the duplication of security systems' functions. The necessity for a reasonable allocation of funds for ports security is noted, taking into account the analysis of performance functions and based on a risk management system. The ecology element of the regime of the Russian Federation's seaports is considered taking into account the recent organizational measures to reduce dust and petroleum pollution. The importance of maintaining a balance between verification measures and levels of environmental hazards are indicated.

The key words: ports, seaports, regimes, the security of seaports, sanitary conditions, anti-terrorist regime, environmental compliance.

Introduction

The modern world presents new and new challenges to humanity but does not offer algorithms for their solution. The COVID-19 pandemic, terrorist threats, plastic pollution, political and economic crisis, and social instability became the main news topics in 2020. The maritime industry was one of the first to assume a powerful blow from new global challenges and threats. It created mechanisms and protocols for strife and contestation with them faster than others. Current seaports' security is provided through utilizing a complex hierarchal security regulatory framework. Due to Ringsberg & Cole (2020, p. 390–391), such structure includes the national level of regulations, and three international levels represented by regional regulations, non-statutory guidance to stakeholders (i.e., ISO standards), and statutory regulations that apply to all member states of the UN and the IMO.

Maintaining the normal functioning of states, their economies, and societies at all times have been decisive for the development of navigation. Today, states and ship owning businesses are applying updated work practices to prevent the spread of the COVID-19 pandemic, ensure stable and safe rotation of ship crews, create workplaces and replenish the government budgets. Additionally, they are entrusted with the most important responsibility for maintaining maritime security: the safety of maritime infrastructure, ships, and crews, the navigational safety of coastal waters, etc.

Today, maritime security takes on new aspects and definitions. The “safe port” category has evolved from a standard time charter condition to a defining factor in maritime activities. A modern seaport is a connecting element for most types of transport, a powerful logistics center and a special actor in the realization of national maritime, border and customs policies. In 2020, seaports acquired (more specifically, strengthened) their protective and social functions. Tightened sanitary controls, testing, isolation of those infected, and communication flow with airports have ensured the continuity of maritime transport and ship crew changes. The introduction of mechanisms for the remote working of port operators and controlling authorities on the principle of a “single window” and similar organizational solutions have become the only possible way out in the context of the spread of the pandemic.

Russia is effectively confronting the modern challenges of the maritime industry. Developed port infrastructure, focused attention to the industry’s problems, approval, and feasibility of long-term strategic planning documents provide the state with a rightful place in the global system of learning and use of the World Ocean. The performance by seaports of essential economic and political functions, Russia’s participation in numerous international agreements, and the creation of optimal mechanisms for handling ships contributed to developing their modern legal regime. It reflects the government policy in the best possible way and is based on many years of practice and international standards. Under the Federal Law of July 31, 1998, “On inland sea waters, the territorial sea and the contiguous zone of the Russian Federation”, the rules of the legal regime are the same for all seaports located on the territory of Russia. All Russian and foreign ships are obliged to follow them (Article 5).

The turn of the millennium has significantly changed the approach to safeguarding the security of seaports. The variety of new threats has led to the renewal of their regimes. Mechanisms for ensuring epidemiological, anti-terrorist, and environmental security were

modernized. The timeliness of the measures has ensured the stable operation of the ports, the pupping of the corresponding budgets, and carrying out international contracts. The COVID-19 pandemic has caused significant damage to the Russian economy. The seaport became one of those who fearlessly took the blow, suffering colossal losses. According to the Association of Russian Commercial Seaports, the cargo turnover of the Russian Federation's seaports in January – July 2020 decreased by 2,1 % compared to the same period last year and amounted to 474,8 million tons. Export cargo was handled 374,1 million tons (-1,4%), imported cargo – 21,0 million tons (-3,8%), transit – 36,8 million tons (-3,8%), cabotage – 42,9 million tons (-6,2 %) (Volovik, 2020). And in October, cargo turnover decreased by 6% compared to the same month last year: exports decreased by 5,6%, cabotage – by 7,1 %, transit decreased by 13,1 %. Quite the opposite, imports grew by 4 % (Gruzooborot rossijskih portov v oktjabre 2020 goda snizilsja na 6 %). However, some ports have managed to effectively withstand the pandemic and economic instability. That way, the current situation did not affect the work and volumes of cargo turnover of the port “Vostochny” (Burda, 2020), which shows positive dynamics and hope for an improvement in the scenarios for the port industry's exit from the “corona-crisis”.

Methodology

The article analyzes some groups of regime rules of the seaports of Russia. Their modern organizational and legal mechanism and approaches to its modernization are determined. The first part of the article discusses the update of the sanitary rules of the ports of the Russian Federation, whereas it is necessary to resist the COVID-19 pandemic. An assessment of the effectiveness of the measures taken is given. The second part of the article is concerned with the study of the anti-terrorist security issues of Russia's seaports. Significant changes in sector-specific legislation are noted, existing gaps are identified, and ways to overcome them are proposed. The necessity

of an integrated approach to ensuring the security of seaports and their protection from terrorist threats is substantiated. In the third part of the article, ensuring the environmental safety of Russian seaports is considered. The successes are noted, and recommendations are given to prevent excessive verification actions.

1. Sanitary regime of Russian seaports

The global nature of navigation, regional outbreaks of dangerous infectious diseases, and the threat of their spread in epidemiologically safe areas have long caused focused attention to ensuring the sanitary control of ships and their crews. Sanitary control of vessels in ports is one of the oldest and most important types of control carried out in the field of merchant shipping (Faqiang, Abliakimova, 2020, p. 17). Historically the two systems of such control have developed. The first provided for the isolation of a ship arriving at the port in the roadstead or off the coast of neighboring islands until the sanitary authorities were convinced of its safety. The second consisted of checking ships, organizing special hospitals in port terminals, disinfecting infected ships, and isolating patients. Persons suspected of being infected were allowed free entry into the country, providing that they noted their address to the medical authorities (Ivanov, 1971, p. 53–54).

Given time, the first system is proved economically ineffective, with increased smuggling risks and unreliability/limited information from contaminated areas. The modern practice of states has inherited the principles of the second system. They also became the basis for international agreements. The current editions of International Health Regulations (IHR, 2005) and Convention on Facilitation of International Maritime Traffic (1965) are based on its principles. The standards of these agreements are implemented in the legislations of most modern states. WHO in 2011 approved Handbook for the inspection of ships and issuance of ship sanitation certificates to specify the procedural aspects of the implication IHR, 2005 of port

sanitary services, ship operators, etc. At the International Chamber of Shipping published “Coronavirus (COVID-19). Guidance for Ship Operators for the Protection of the Health of Seafarers”. In Guidance is noted that measures introduced aimed at action against the pandemic may be in contradiction to applicable shipping standards. However, the current reality is that shipping companies have no choice and must follow these national and local restrictions due to the spread of the COVID-19 pandemic and the potential public health risk. In such a way, current sanitary requirements for ships entering ports are standard practice, which is part of the general procedures for crossing state borders (Faqiang, Abliakimova, 2020, p. 16).

Russian legislation adopted the basic principles (standards) and recommended practices of international agreements in the field of sanitary and epidemiological welfare of the population and sanitary protection of the state territory. The current legislation and the organizational mechanism for its application ensure safe custody of the state’s maritime borders. Foreign vessels in seaports are obliged to follow the sanitary rules established by the legislation of the Russian Federation (Article 6 of the Federal Law on Inland Sea Waters, the Territorial Sea and the Contiguous Zone of the Russian Federation, 1998). State control (supervision) is exercised by the federal executive bodies and captains of seaports in order to ensure compliance with the requirements in the field of sanitary and epidemiological welfare of the population (Article 8.1 of the Federal Law on seaports in the Russian Federation and on amendments to certain legislative acts of the Russian Federation). These norms are specified in the Rules for the implementation of sanitary and quarantine control at checkpoints across the state border of the Russian Federation and the Methodological instructions on sanitary and quarantine control in sea and river ports open for international traffic.

Additionally, detailed regulation of the actions of captains of vessels and ports in the field of ensuring sanitary and quarantine

formalities is given in the General Rules for Navigation and Moorage in the Seaports of the Russian Federation and on the approaches to them (clauses 156–162). In particular, it is noted that the vessel's sanitary and quarantine control precedes all types of control and supervision in the seaport. Until the end of such control of the vessel and the provision of free practice to it, no one has the right to leave the vessel, except for the qualified person, carrying out sanitary and quarantine control.

In the context of the COVID-19 pandemic, it became necessary to revise the traditional means and methods of sanitary control. It was strengthened and adapted to the pandemic conditions, having retained so much as all the main features. The wide network of Russian seaports, a considerable volume of international contracts provided by sea transport led to the prompt implementation of updated protocols for sanitary protection and control.

In May 2020, the Interim Recommendations were approved aimed at the safe operation of maritime and inland water transport in the context of COVID-19. The primary measure aimed at reducing the risk of the spread of infection in seaports and terminals is the organization of multiple access with a division in time (time slot) of personnel involved in the performance of service operations, ensuring the continuity of its control (using of personal protective equipment, following established routes, exclusion of non-production contacts, etc.) within the port facility. When performing the main operations for handling the vessel in the port, it is recommended: to use personal protective equipment, antiseptics, mandatory non-contact temperature measurement, cleaning and disinfection of work clothes, 24-hour watches controlling access to vessels, their ventilation, and disinfection.

Additionally, sea checkpoints across the Russian Federation's state border were equipped with stationary and portable thermal imagers to ensure sanitary and quarantine control to counter the spread of COVID-19 (Rosteh osnastil vysokotochnymi teplovizorami

pochti 140 punktov propuska cherez granicu). During intensified quarantine measures aimed at countering the pandemic, the seaport administrations took measures to strengthen the current disinfection regime and carried out preventive and sanitary measures. PSC inspection personnel boarded ships only wearing respiratory and hand protection, informed the port sanitary authorities about the presence of crew members with symptoms of a disease (Morskie porty Chernogo morja rabotajut v rezhime povyshennoj gotovnosti v svjazi s rasprostraneniem koronavirusnoj infekcii).

For example, on a vessel was identified a patient with symptoms suggesting the presence of coronavirus infection, according to clause 65 of the Mandatory Regulations in the port of Taman, approved by order of the Ministry of Transport of Russia No. 16 dated January 22, 2014, the vessels were placed in quarantine anchoring place No. 2 of anchoring area “C”. Over the entire period, two crew members were identified with suspected coronavirus and were hospitalized in a specialized medical institution, where they were tested. In both cases, the assumptions about the disease were not confirmed, and the vessels, after treating with disinfectants, were delivered to the cargo terminals for loading (Lebedev, 2020).

The captain of the port of Murmansk on March 3, 2020, in an information letter to organizations carrying out passenger transportation, pointed out the need for preventive measures aimed at detecting and stopping the spread of new coronavirus infection, especially among passengers traveling from People’s Republic of China (PRC) (Informacionnoe pis’mo kasatel’no protivodejstviya rasprostraneniju koronavirusa). That way, even before the WHO announcement of the COVID-19 pandemic, the organization of counteraction to the spread of the disease began in the Russian Federation’s seaports. They made it possible to create the necessary barrier and ensure the sanitary welfare in the ports.

However, one of the most challenging problems associated with the spread of COVID-19 in the maritime industry has been the

rotation of ship crew members. And the practice of Russian ports, which was formed in March-April 2020, needed to create uniform rules and unification to prevent losses from vessels' idleness and violations of seamen labor rights.

Besides, the Ministry of Transport of the Russian Federation developed the Temporary recommendations for sea and river ports and passenger terminals on prevention of the spread of COVID-19, which are based on three underpinning provisions:

- early detection of potential coronavirus infection spreaders;
- use of personal protective equipment (hereinafter, PPE), individual hygiene measures, ensuring social distance between people;
- provision of the rapid transmission of viral hazard information to all port employees, relevant response, and assistance services.

Since March 2020, in the Murmansk region, the authorities have limited crews going ashore if less than 14 days have passed since their arrival from a foreign port. In Vladivostok, seamen were required to go through a 2-week quarantine, who arrived to change the crew from Moscow. Due to the pandemic, it was difficult to change the crew in foreign ports, so the shipowners were forced to organize it in their countries of residence. But this often turned out to be unrealistic due to the self-isolation of the regions (*Bez zahoda v port: sudovladel'cy iz-za koronavirusa ne mogut menjat' jekipazhi*). In May 2020, a rule was introduced in Russian ports that all seamen on vessels are located in Russian ports must remain on board. Only residents of the Russian Federation can change. Moreover, nonresidents must go through a two-week quarantine/observation in specially designated places before going home (An update on measures being taken to prevent the spread of COVID-19 by merchant shipping).

2. Anti-terrorist security regime in the ports of Russia

Acts of unlawful interference present a particular risk to the stable functioning of the seaport (Pravkin, Smirnova, 2020, p. 474–475). Under the Federal Law “On Transport Safety”, acts of unlawful

interference – is an illegal act (inaction), including an act of terrorism that threatens the safe operation of the transport complex, entailing harm to life and health of people, material damage, or creating a threat of such consequences (Article 1).

Events of 9/11/2001 in the USA and the bombing of a French oil tanker Limburg in 2002 accelerated the development of international standards for port security. Addressing maritime security issues, the international societies have adopted port security-related regulations, such as the ISPS code, CSI, C-TPAT, 24-advanced Rule, and AEO (Yeo et al., 2013, p. 299). The International Code possesses the core place in the modern system of security of vessels and port facilities (ISPS, 2002). The ISPS Code provides an overarching global framework for the enhancement and management of maritime security (Helmick, 2008, p. 17). The ISPS Code is applicable in Russia. Compliance with the requirements of this Code is one of the prerequisites for participation in the international system of shipping. The Code establishes standards and protocols for ensuring the safety of ships in ports. On its basis, national rules are developed and adopted. In Russia, for example, Government Decree No. 746 of November 3, 2007 “On the implementation of the provisions of Chapter XI-2 of the International Convention for the Safety of Human Life at Sea, 1974 and the International Code for the Security of Ships and Port Facilities”. In the United States, even before the approval of ISPS, but following the draft of its standards, was adopted The Maritime Transportation Security Act (2002).

Global terrorism index 2020 indicates a decrease in mortality from terrorism in Russia by 30% and the number of attacks by 52% (p. 48), which has become the best indicators since the early 2000s. In our opinion, these indicators were the result of a well-thought-out, somewhat harsh, and effective anti-terrorist policy of the state, which was also extended to seaports.

In modern conditions, the legal regime of seaports should be focused on security against any threats associated with maritime navigation,

the state of sea vessels, and the protection of maritime infrastructure. It is no coincidence that the Strategy for the Development of the Sea Port Infrastructure of Russia until 2030 and the Transport Strategy of the Russian Federation for the period until 2030 indicate the necessity to form straight and adequate protection of seaports from threats of unlawful interference and to ensure transport security. Similar norms are presented in other planning documents. Simultaneously, it is sometimes noted that it is inexpediency to direct significant state funds from the sphere of ensuring the safety of navigation to the sphere of countering the terrorist threat. This is justified by the absence of facts of terrorist attacks on Russian seaports (Dmitriev, 2013, p. 203). In our opinion, the rationality and proportionality of the appropriation of funds accounting needs and considering the analysis of performance indicators of security systems and the active use of the risk management system are essential here.

The Ministry of Transport is the Main government authority in Russia in developing state policy and legal regulation of maritime (including seaports) transport and ensuring transport security (Postanovlenie ob utverzhdenii Polozhenija o Ministerstve transporta Rossijskoj Federacii, 2004). The functions of rendering public services in the field of transport security are carried out by the Federal Agency for Sea and River Transport (Rosmorrechflot) (Postanovlenie ob utverzhdenii Polozhenija o Federal'nom agentstve morskogo i rechnogo transporta, 2004). Registers of authorized organizations in the field of vessels' security, navigating under the State flag of the Russian Federation, and port facilities, as well as specialized organizations in the field of transport security, are registered on the official website of Rosmorrechflot (Reestr upolnomochennyh organizacij v oblasti ohrany sudov, plavajushhih pod Gosudarstvennym flagom Rossijskoj Federacii, i portovyh sredstv).

Maintaining the security regime of the seaport of the Russian Federation are assigned to the captain of the port. In accordance

with the norms of the Law on Seaports and the Code of Merchant Shipping of the Russian Federation, it ensures the transport safety of the seaport water area, takes measures to prevent, terminates illegal presence and movement of the sea and other vessels in the port water area; informs the competent authorities about the threat of acting or unlawful acts of unlawful interference in the seaport. The owners of port infrastructure facilities are assigned the obligation of ensuring the protection of these facilities from acts of unlawful interference. Protection of sea terminals and water areas of seaports from acts of unlawful interference is regulated by the legislation of the Russian Federation on transport security.

Ensuring security from terrorist threats is carried out by preventing and suppressing them with engineering and technical means, transport security systems and professional specialists, qualified persons, and personnel participant in its provision (*Postanovlenie ob utverzhdenii kompleksnoj programmy obespechenija bezopasnosti naselenija na transporte*, 2010).

The vulnerability analysis of guarded port facilities and seaports located on Russia's territory shows that the security of most of these facilities is at an acceptable level when viewed from the shore. Here are organized the port's perimeter security, lighting of the protected territory at night, permanent patrolling, and checkpoints. Simultaneously, there is a lack of security and safety systems on the part of water areas (surface and underwater spaces) (Kobelev, 2016, p. 177, 181; *Sovremennye komplekсы fizicheskoy zashchity ob'ektov so storony akvatorij*). Active efforts to ensure underwater safety are being undertaken mainly in ports of deployment or entry of vessels with nuclear power plants (*Mobil'nyj kompleks tehnikeskikh sredstv obespechenija transportnoj bezopasnosti; Mobil'nye komplekсы dlja ohrany ob'ektov na vode ot kompanii "Tetis Pro"; MVD zashchitit atomohody ot podvodnykh diversantov*).

The first half of autumn 2020 brought a significant number of new regulations governing transport safety issues to the transport

industry. In particular, three decrees of the Russian Federation's Government were approved on the approval of requirements for ensuring transport safety of sea and river transport (Postanovlenie ob utverzhdenii trebovanij po obespecheniju transportnoj bezopasnosti, v tom chisle trebovanij k antiterroristicheskoj zashhishhennosti ob'ektov (territorij), uchityvajushhih urovni bezopasnosti dlja razlichnyh kategorij ob'ektov transportnoj infrastruktury morskogo i rechnogo transporta, 2020; Postanovlenie ob utverzhdenii trebovanij po obespecheniju transportnoj bezopasnosti, v tom chisle trebovanij k antiterroristicheskoj zashhishhennosti ob'ektov (territorij), uchityvajushhih urovni bezopasnosti dlja ob'ektov transportnoj infrastruktury morskogo i rechnogo transporta, ne podlezhashhih kategorirovaniju, 2020; Postanovlenie ob utverzhdenii trebovanij po obespecheniju transportnoj bezopasnosti, uchityvajushhih urovni bezopasnosti dlja transportnyh sredstv morskogo i vnutrennego vodnogo transporta, 2020). The approval of these documents shows the desire for more detailed regulation and the formation of a high-quality system of sectoral legal regulation. As noted in the specialized literature, the majority of transport infrastructure entities do not see any fundamental differences between the protection and provision of transport security of transport infrastructure facilities and vehicles. This is due to the external similarity of these indicated concepts. Herewith, there is a different normative framework, and the content of these concepts today is different (Semenov, 2018).

Indeed, it is difficult to distinguish between these activities in practice. The current practice requires the optimization of the mechanisms for ensuring the security of ports both from "classical" threats (penetration for theft, etc.) and from "relatively new" – terrorist ones. In our opinion, aspects of the correlation of these types of activity in the seaports of the Russian Federation can become the subject of separate theoretical and applied research. Additionally, it is even possible to trace some similarity with the problematics of differentiation in the categories of "piracy" and "terrorism".

As defined in UNCLOS'82, piracy has a property orientation, pursues the goal of obtaining material benefits (vessel, goods, ransom for the release of the crew). Whereas terrorist acts aim to achieve mainly political goals, the mechanisms for countering such threats are the same. They involve protection from criminal encroachments, regardless of the goals pursued. Therefore, it is also possible to combine such measures in seaport terminals, of course, with the strengthening of "standard" security measures to counter acts of unlawful interference (including terrorist acts), but with a balance and levels of real threats. Additionally, it is vital to revise the current legislation, eliminate gaps and contradictions in it, accounting for seaports' specifics, their land and sea borders, and possible threats from the surface and underwater environment. In such a case, the necessary comprehensive approach to ensuring the security of the territory and water area of the seaport will be provided.

3. Environmental safety of seaport

The territory and water area of the seaport are parts of the natural environment, pollution of which may lead to a violation of the ecological balance of the entire coastal natural ecosystem (Shohonova, Mishyna, 2015, p. 439). Currently, a sharp increase in the volume of petroleum transportation by sea and an increase in tanker tonnage create preconditions for an increase in the number of petroleum spills and the volume of spills (Portnaja, 2009, p. 78). In addition to petroleum, port water areas are polluted with waste, wastewaters and oil-polluted water drains, and other substances hazardous or harmful to human health and the environment.

In the Strategy for the Development of the Sea Port Infrastructure of the Russian Federation up to 2030, focused attention is paid to the environmental aspect of the operation of seaports. Improving environmental safety is recognized as one of the development priorities for the sectoral services market. The need to increase environmental requirements for incoming vessels, the effective functioning of

forces and means to ensure environmental safety (reception and treatment port facilities, specialized ships and berths for their service), adherence to “green standards” is noted. The development of seaports should be based on sustainable development principles, aimed at combining the interests of economic development with the interests of preserving and improving the quality of the environment, ecologic management, here is noted.

The norms for ensuring ecological safety are specified in the General Rules for Navigation and Moorage in the Seaports of the Russian Federation and on the approaches to them. So, in order to ensure ecological safety, vessels located in the water area of the seaport or on the approaches to it should not: discharge sewage overboard, except in cases established by MARPOL; throw overboard wastes; start open fires and incinerate waste on board; discharge harmful substances from the vessel into the atmosphere above the established norms; carry out works on cleaning and painting the hulls of ships, including underwater cleaning, without the permission of the seaport captain; wash holds, decks and superstructures with water discharge overboard. All valves, float valves, and other closing devices through which oily mixtures, wastewaters, and hazardous substances are discharged overboard (except for isolated ballast tanks) must be closed and sealed on board. It is not allowed to dump industrial and household waste, contaminated snow from the mooring facilities (berths) into the water area of the seaport (clauses 148–155).

Effective measures to reduce and prevent pollution of the territories and water areas of the seaports of the Russian Federation make it possible to achieve their ecological balance, to limit the negative impact of their activities on the environment. In this vein, according to the results of 2017, which was declared the “Year of Ecology” in the Russian Federation, the Administration of the Black Sea seaports noted the stability and successful provision of environmental safety, since the statistics of pollution of marine ecosystems were kept at a zero level. Carrying out of complex studies for liquidation of

emergency petroleum spills allowed practicing actions in crisis situations (Erygin, 2018). In 2018, the Murmansk commercial port received a certificate of the international environmental management system. This was achieved by applying the advanced experience of the ports of Japan, China, Canada, and Australia. Now the port has 17 dust and moisture protection guns and dust and windscreen 20 meters high (Jekologicheskie tehnologii trgovogo porta popali v spravochnik nailuchshih tehnologij dlja stividorov Rossii). This is especially important in conditions when coal dust remains one of the most pressing problems in the port industry, caused by the growing export volumes of coal (Itogovyj dokument (akt) po rezul'tatam obshhestvennoj ocenki jeffektivnosti vnedrenija nailuchshih dostupnyh tehnologij AO "Nahodkinskij morskoy trgovyj port", 2020, p. 3).

Obviously, in the operation of seaports, it is important to use "environmentally friendly" technologies that minimize the negative environmental consequences of the construction and operation of ports for the environment. Coming into force of amendments to MARPOL Annex VI from 01.01.2020 is new in ensuring environmental safety, following which the content of the mass fraction of sulfur in marine fuel should not exceed 0,5 % (Resolution MEPC.305(73)).

Environmental/ecologic standards of seaports are specified in local acts. For example, in the Compulsory Regulations in the seaport of Khatanga, approved by order of the Ministry of Transport of the Russian Federation dated 01.02.2017 No. 30, it is indicated that the seaport does not receive waste and oil-polluted water drains from vessels, all categories of garbage and food waste, from ships, and ballast water also is not discharged, except for insulated ballast. Measures are provided to control free oil, and oil products spills (clauses 37, 38, 40–42).

Control over ensuring environmental/ecologic safety in seaports belongs to the functions of the administrations of seaports of the Russian Federation. Additionally, the status of some water areas,

determined in international agreements, comes from the specifics and special attention to environmental problems and special (enhanced) measures of control and pollution control. Thuswise, the Administration of the Black Sea seaports in the Novorossiysk seaport has carried out comprehensive monitoring of pollution in the Black and Azov Seas for more than ten years using satellite data and automated ship identification systems (SIS). The automated service “Satellite images – Black Sea” was put into practice based on the “Geomixer” web platform (geomixer.ru), with the help of which the control zone is displayed in the restricted access mode, indicating the coordinates and areas of the detected oil slicks. Control over the water area of seaports is also carried out during daily maritime patrolling (Erygin, 2018). Herewith, it is important to note maintaining a balance between checks in seaports and environmental threats levels. Since the excessiveness of ecologic control and supervision measures in some cases may entail corruption risks, claims of shipowners and other participants in port activities.

Conclusions

The paper shows that the seaports' security policy is a dynamic issue, which should be tackled by stakeholders' joint actions, both public and private ones. Alongside updating state regulations and providing compliance with obligatory international standards, Russian seaports' security policies now utilize voluntary international standards and best practices. This trend has proved to be very promising in terms of enhancing the effectiveness of security-related measures. It should be noted that the changes in the regime rules of the seaports of Russia made it possible to establish their work in the crisis conditions of 2020. The COVID-19 pandemic has deeply affected sanitary and quarantine measures in the Russian Federation's seaports, which become the most restrictive and time-consuming part of ports' security policies in 2020. Preliminary preparation and efficiency of measures made it possible to create the necessary

conditions for effective work and maintaining security. The existing weaknesses in the legal and organizational support of the seaports' regime are not systemic. Overcoming them is possible through the adoption of "isolated" and proactive measures.

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Аблякімова Е., Цзяньцзюнь В. Правовий режим морських портів Росії: оновлення політики безпеки. – Стаття.

У статті розглядаються найбільш актуальні і такі, що зазнали значних змін правового регулювання у 2020 році групи режимних правил морських портів Російської Федерації. Завдяки своєчасним та ефективним заходам, руйнівний для портової галузі та країни у цілому вплив нових викликів і загроз було послаблено. У зв'язку з пандемією COVID-19, розглянуто оновлення організаційно-правового механізму санітарного контролю та карантинних формальностей у морських портах. Відзначено їх ефективність і відповідність світовим практикам. Аналіз правового регулювання транспортної безпеки і забезпечення охорони морських портів показав напрямки подальших нормотворчих робіт і побудови системи комплексної безпеки і охорони морського порту шляхом виключення дублювання функцій системи безпеки. Наголошується на необхідності розумного виділення коштів на безпеку портів з урахуванням аналізу показників роботи і на основі системи управління ризиками. Розглянуто екологічну складову режиму морських портів Російської Федерації з урахуванням прийнятих останнім часом організаційних заходів щодо зниження пилового і нафтового забруднення. Зазначено про важливість дотримання балансу заходів перевірки та рівнів екологічних загроз. Автори підкреслюють, що політика безпеки морських портів – це динамічне питання, яке має вирішуватися спільними зусиллями зацікавлених сторін, як державних, так і приватних. Крім оновлення державних нормативних вимог і забезпечення відповідності обов'язковим міжнародним стандартам, у забезпеченні політики безпеки російських морських портів сьогодні використовуються рекомендовані міжнародні стандарти і кращий досвід. Ця тенденція виявилася багатообіцяючою з точки зору підвищення ефективності заходів безпеки. При цьому, наявні недоліки правового та організаційного забезпечення режиму морських портів не мають системного характеру. Їх подолання є можливим за рахунок застосування “точкових” і попереджувальних заходів.

Ключові слова: порти, морські порти, режими, безпека портів, санітарні умови, антитерористичний режим, дотримання екологічних вимог.

Аблякімова Э., Цзяньцзюнь В. Правовой режим морских портов России: обновление политики безопасности. – Статья.

В статье рассматриваются наиболее актуальные и претерпевшие значительные изменения правового регулирования в 2020 году группы режимных правил морских портов Российской Федерации. Благодаря своевременным и эффективным мерам, разрушительное для портовой отрасли и страны в целом влияние новых вызовов и угроз было ослаблено. В связи

с пандемией COVID-19, рассмотрено обновление организационно-правового механизма санитарного контроля и карантинных формальностей в морских портах. Отмечена их эффективность и соответствие мировым практикам. Анализ правового регулирования транспортной безопасности и обеспечения охраны морских портов показал направления дальнейших нормотворческих работ и построения системы комплексной безопасности и охраны морского порта путем исключения дублирования функций систем безопасности. Отмечается необходимость разумного выделения средств на безопасность портов с учетом анализа показателей работы и на основе системы управления рисками. Рассмотрена экологическая составляющая режима морских портов Российской Федерации с учетом принятых в последнее время организационных мер по снижению пылевого и нефтяного загрязнения. Указано на важность соблюдения баланса проверочных мероприятий и уровней экологических угроз. Авторы подчеркивают, что политика безопасности морских портов – это динамичный вопрос, который должен решаться совместными усилиями заинтересованных сторон, как государственных, так и частных. Помимо обновления государственных нормативных требований и обеспечения соответствия обязательным международным стандартам, в обеспечении политики безопасности российских морских портов сегодня используются рекомендованные международные стандарты и передовой опыт. Эта тенденция оказалась многообещающей с точки зрения повышения эффективности мер безопасности. При этом, имеющиеся недостатки правового и организационного обеспечения режима морских портов не носят системного характера. Их преодоление возможно за счет принятия “точечных” и упреждающих мер.

Ключевые слова: порты, морские порты, режимы, безопасность портов, санитарные условия, антитеррористический режим, соблюдение экологических требований.