

Transformation of Ukraine's Maritime Legislation: Impact Factors, Regulatory Methods, and Future Outlooks

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ABSTRACT

The article examines recent changes in Ukraine's maritime and seaport regulatory environment amidst significant political, economic, and security pressures. The research explores the drivers of legislative change, including military aggression, European integration commitments, civil law reforms, and the expansion of digital governance tools. Attention is given to how regulatory methods and techniques are adjusted through strategic policy instruments, the interaction between public and private law mechanisms, the implications of abolishing the Commercial Code of Ukraine, the increasing influence of international standards and soft-law instruments, and wartime regulatory innovations. The analysis indicates that Ukraine's maritime legislation is shifting toward a hybrid regulatory model that combines binding public regulation with flexible private-law arrangements and programmatic state intervention. This approach strengthens institutional resilience, maintains maritime trade continuity, and allows for legal adaptation in conditions of prolonged instability. The article concludes that Ukraine's experience adds to a broader understanding of adaptive maritime regulation in states facing systemic disruption.

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maritime legislation, seaport governance, legal regulatory methods, public and private law interaction, wartime regulation, civil law recodification, international maritime standards, digitalization



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Introduction

Maritime law is among the most stable legal regimes. International treaties embody centuries of experience and establish rules governing maritime transport and other maritime activities, incorporated into customs and national legal systems (Jia, 2014; Papanicolopulu, 2022). However, at the national level, various factors influence regulatory changes, including political regime shifts, maritime governance reforms, economic policy adjustments, and environmental concerns. External influences – such as armed conflicts, sanctions, integration efforts, or accession to treaties and initiatives – often significantly accelerate these changes. Consequently, new regulations are emerging that balance maintaining the core principles of maritime law with addressing new challenges brought by technological advances, increased environmental standards, and shifts in the economy and security of global maritime supply chains.

The development of maritime legislation in Ukraine reveals significant insights in this context. Since gaining independence in 1991, Ukraine has experienced multiple phases of reform in its shipping and port regulations. In the last decade, major drivers of legislative change have been several major factors, including (i) the armed conflict with Russia and the need to adjust civilian shipping to military challenges (Kormych & Averochkina, 2023; EUAM Ukraine, 2025); (ii) Ukraine's European integration efforts and legislative alignment (including seaports regulations, seafarer training, pollution prevention, incident investigation,

insurance and liability, maritime safety and security) (Press Service of the Verkhovna Rada of Ukraine, 2025); and (iii) the 2025 reform aimed at unifying civil law, including the abolition of the Commercial Code of Ukraine (Kukhariev et al., 2025). Ukrainian maritime law continues to evolve, integrating digital transformation and modernizing public administration practices. This article explores these regulatory changes and the associated shift in legal regulatory methods that shape current Ukrainian maritime law.

Methodology

The research uses a qualitative legal methodology combining doctrinal analysis, systemic interpretation, and policy assessment. It examines Ukrainian maritime law as a dynamic system influenced by reforms and pressures. First, formal legal analysis reviews key acts like the Merchant Shipping Code, Law on Seaports, and legislation on civil law recodification and wartime management, considering judicial practice and transitional provisions. Second, a functional and comparative approach evaluates how public and private law instruments interact, analyzing international conventions, IMO standards, and soft-law instruments as influences. Third, policy analysis assesses strategic documents and programs, not as legal obligations but as tools shaping administrative actions, coordination, and development priorities. Finally, a contextual approach examines wartime regulation, emergency measures, administrative flexibility, and digital governance under martial law, identifying methods that balance security with trade continuity and international cooperation.

1. Strategic planning for maritime and seaport regulatory environment

Long-term planning in the maritime and seaport regulatory environment is crucial for national development and stability (Fratila et al., 2021; Notteboom et al., 2022; Sconfietti, 2025). It helps create a shared vision for regulatory processes, manage risks, and adapt to trends like digitalization and greening. This facilitates investment, infrastructure growth, and regional optimization, reinforcing maritime systems as vital infrastructure built on predictability, safety, and efficiency. Ukraine has a longstanding history of strategic planning in these fields, including the Maritime Doctrines of 2009 and 2018, as well as the Strategy for the Development of Seaports in editions from 2013 and 2020. Earlier efforts include the Concept from 1998 and the National Program from 2001, both of which focused on protecting and restoring the environment of the Azov and Black Seas.

Following the outbreak of the full-scale Russo-Ukrainian war and Ukraine's EU accession negotiations, a new wave of policy documents in the maritime sector has emerged. These documents aim to address these challenges and include the Maritime Security Strategy of Ukraine (2024), and the updated National Transport Strategy of Ukraine for 2024–2030. Together, they reflect Ukraine's goal of establishing a comprehensive strategic planning system in the maritime sector that covers security, infrastructure, and regional development. Additionally, sector-specific strategies remain in focus, including the Strategy for the Development of Ukraine's Fisheries Industry until 2030, the plan to reform the system of state supervision in environmental protection until 2029, and projects such as the Strategy for the Development of Ukraine's Shipbuilding Industry until 2030 and beyond.

The evaluation of active planning involves two aspects. Firstly, Ukrainian authorities tend to produce numerous policy documents that are often poorly coordinated and typically remain unimplemented due to a lack of practical tools and resources. Secondly, the policy documents issued after 2022 stand out because their implementation plans were approved simultaneously, suggesting a more pragmatic planning approach. Additionally, a positive development is the periodic updating of policy documents

through new versions, which better reflect the industry's rapidly evolving situation (Kuznietsov et al., 2023). Furthermore, the industry faces unprecedented threats, like those seen in Ukraine, necessitating faster review processes to align with current risks and to develop a long-term growth strategy.

An analysis of Ukrainian long-term strategic documents reveals a departure from traditional legal regulation methods. Instead, their regulatory influence is mainly exercised through setting goals, defining indicators, establishing long-term benchmarks, creating coordination mechanisms, and outlining interaction principles among government entities. These documents do not directly prescribe or authorize specific actions; rather, they define development pathways, consider potential modernization scenarios, and specify future management decisions. They primarily focus on policy tools such as strategic priorities, roadmaps, KPIs, and procedures for monitoring and performance evaluation.

Developing detailed implementation plans for each program document certainly boosts their impact, but it does not create traditional hierarchical power relationships. This regulatory approach aligns with modern public policy management methods in strategically crucial sectors. It indicates a move towards more adaptable strategies – such as program-based, indicative, risk-oriented, and coordinated regulation – that help the state address long-term issues and strengthen the resilience of the maritime and port systems. The only potential improvement to these regulatory methods might be to increase uniformity among them and to incorporate emerging trends – including decarbonization, shipping autonomy, digital service innovation, reorienting international cooperation, and integrating the interests of coastal regions into maritime industry regulation.

2. Private-public dichotomy in the current Ukrainian maritime regulatory environment

The Merchant Shipping Code and the Law on Seaports form the foundation for legal regulation of Ukraine's maritime and port industry. These two laws establish the core domestic legal framework for shipping and port operations, define the specific functions of government agencies in the industry, outline the legal regime of port areas and waters, and specify the relationships between participants. They are classic examples of maritime legislation, combining the regulation of public and private issues related to shipping and seaport operations.

The Merchant Shipping Code's structure predominantly reflects private-law regulations over public-law ones, highlighting its origins in maritime commercial law. Out of 393 articles, over half focus on contractual obligations such as general rules of maritime transportation (Articles 128–132), cargo carriage (Articles 133–183), passenger and cruise contracts (Articles 184–202), vessel chartering (Articles 203–221), and limiting shipowner liability (Articles 348–378). Public law regulations are included but mainly support the core framework; they cover the vessel's legal status (Articles 15–47), crew regulations (Articles 48–72), and navigation rules in territorial waters, inland waters, and ports (Articles 73–82, 85, 90–115). Overall, the Code functions as a private-law legal framework, while public aspects are governed separately by specific laws and bylaws, illustrating a "split" sectoral model like the Law on State Border of Ukraine, the Law on Exclusive (Maritime) Economic Zone of Ukraine, the Law on Contiguous Zone of Ukraine, Rules for navigation and stay in the territorial sea, internal waters, on raids and in ports of Ukraine of foreign warships.

In contrast, Ukraine's Law on Seaports primarily serves as public regulation, setting the rules for port operations within the government sector. This is because, historically, all Ukrainian seaports have been state-owned. Currently, they are operated through the State Enterprise "Ukrainian Sea Port Authority" and its regional branches in every seaport. In contrast, private

companies lease only specific port facilities, such as berths and terminals (Nedelko, 2025). Only after 2024, the Ukrainian government began to lean towards utilizing public-private partnerships and concessions as priority tools for seaport infrastructure development (PPP Agency, 2025).

Following this logic, the Law on Seaports defines the fundamental rules for seaport operations and establishes a framework for their business activities (Articles 13–22). Additionally, it addresses land and property issues related to seaports (Articles 23–27). The law aims to balance the regulation of ports as vital public infrastructure with the commercial activities of private operators, particularly in the relationship between state port management and private entities. For example, it emphasizes safety regulations that apply to both state and private actors, with several provisions (Articles 2, 4, 13, 14, 75, 78, etc.) highlighting the importance of safety oversight and enforceability.

Furthermore, Article 15 of the Law on Seaports requires authorized entities, such as branches of the State Enterprise “USPA” and environmental authorities, to collaborate and coordinate efforts in environmental protection, particularly when identifying discharges by vessels within the port water area. The procedures for this collaboration are detailed in a related by-law (Cabinet of Ministers of Ukraine, 2019), which was created in response to significant corruption risks during vessel environmental inspections at Ukrainian ports. As a result, the Law establishes a public framework for the port industry, addressing some gaps left by the Merchant Shipping Code.

Thus, the current Ukrainian maritime legislation combines several interconnected and complementary methods of legal regulation, inherent in both public and private law. They rarely operate independently. This reflects the specific nature of relations related to the use of maritime spaces and port infrastructure, which involve significant danger, environmental risks, and strategic economic interests of states and private entities. Such interdependence requires the simultaneous use of public law (such as safety control, environmental oversight, regulation of access to port infrastructure, and establishment of use regimes) and private law instruments (like maritime transportation contracts, chartering, agency, concessions, etc.).

It should be noted that sector-specific legal regulations are also heavily rely on current international standards. Their public-legal frameworks, such as UNCLOS, MARPOL, and SOLAS, are traditionally linked to multidimensional safety and security as a key public interest. Importantly, these standards also derive from various soft-law instruments, including IMO circulars, guidelines, and best practices. While many agreements aimed at regulating private-law relations focus on standardizing contractual practices within the maritime transportation market and emphasize the parties’ traditional commercial interests, recent developments are shifting towards integrating prescriptive public legal rules into shipping contracts and charterparties. This shift aims to serve social interests that were originally the responsibility of the states and were quite separate from the commercial interests of shipping companies. For example, the voyage charter market has adapted to MARPOL requirements by including boilerplate clauses that guarantee (a) compliance and (b) a commercially efficient mechanism for managing liability and risk related to non-compliance (Chuah, 2025). For instance, the EEXI transition clause has been developed by BIMCO. It allows the shipowner to take the vessel out of service to carry out the necessary modifications, provided certain conditions are fulfilled. The CII Clause for Voyage Charterparties 2023 provides for the adjustment of course, speed, or RPM without affecting the utmost or due dispatch or any speed and consumption warranties under the charterparty (Girvin & Ulfbeck, 2024, p. 3). Therefore, we see an even stronger merging of public-law and private-law regulatory approaches within a single instrument.

The combination of the norms mentioned above creates a complex regulatory environment in which public law rules on safety, environmental standards, and related administrative procedures are integrated with contractual mechanisms, commercial customs, and party autonomy. This outlines how legal regulation methods work together in modern maritime law. Furthermore, the maritime sector's administrative framework integrates internal public law tools with supranational standards, with national regulations serving as the main support for adhering to these standards (Gulyas & Kinra, 2025). All these create a multi-layered system where private law relations are aligned with international standards, overseen and enforced by national authorities. The synergy of legal regulation methods is shown in that imperative regulation ensures safety, stability, and adherence to international standards, while private law offers entities flexibility in organizing logistics and enhancing contractual practices. The growing use of electronic document management systems and single window mechanisms at ports also adds an extra layer of integration, where innovative software solutions serve as effective regulatory and operational tools, blending various legal regulation methods established by law (Tijan et al., 2019; Duran et al., 2024).

3. Recodification of the Civil Legislation of Ukraine and Maritime Law

Significant for transforming Ukraine's maritime law are the recent legislative updates concerning the Commercial Code of Ukraine, which will cease to be in effect in 2025. This Code, in force from January 1, 2004, to August 28, 2025 (RADA Legislation of Ukraine, n. d.), regulated relations arising from the organization and conduct of economic activities between various business entities and other stakeholders (Article 1). Courts often relied on its provisions in disputes involving maritime and port activities, such as cases No. 916/2185/20, No. 916/1171/23, No. 916/1369/23, and No. 916/4757/24, which dealt with port dues and contract enforcement.

The abolition of the Commercial Code of Ukraine shifts legal practices toward the use of the Civil Code of Ukraine and Law No. 4196-IX, which regulates the operations of legal entities and associations with specific organizational and legal forms during the transition period. For the state and municipal sectors, this marks a significant change, while for the private sector, it involves transitioning to a unified regulatory system based on the Civil Code and special laws. This shift aims to reduce conflicts of laws, lessen regulatory burdens, eliminate dual regulation, improve the predictability of law enforcement, and bring it more in line with European law (EY Ukraine, 2025; BDO Ukraine, 2025). An analysis of Law No. 4196-IX reveals that, upon its adoption, not all provisions of the Commercial Code of Ukraine were repealed. Some norms are directly incorporated into other laws or remain effective through references, ensuring the stability of key business principles in Ukraine.

Additionally, the mandatory corporatization of state-owned enterprises is planned (starting August 28, 2025, for three years); the replacement of the rights of economic management and operational management with the right of usufruct during the transition period; recognition of types of enterprises such as subsidiaries, foreign, private, citizen association enterprises, and consumer cooperation enterprises as limited liability companies, along with a ban on creating these "old" forms; and restrictions on changes in the Unified State Register for state and municipal enterprises (only allowing registrations of liquidation, reorganization, or changes of the head, liquidator, or commission for termination of activity).

Regarding commercial contracts entered into before the abolition of the Commercial Code of Ukraine, these contracts remain valid and continue to have legal effect until they expire or are terminated. If a contract cites provisions from the Commercial Code of Ukraine, it remains valid because laws are not applied retroactively. When those

references become outdated, similar provisions from the Civil Code of Ukraine should be used, so it's recommended to update the contracts accordingly. After the Commercial Code of Ukraine is repealed, any provisions not explicitly covered by the contract are governed by relevant legislation and the Civil Code of Ukraine (Supreme Court, 2025).

These changes will significantly impact almost all entities in Ukraine's maritime sector, especially state-owned seaports. These ports have already begun facing difficulties due to planned corporatization. Experts suggest that, in these circumstances, the need for clear contractual regulations and the organization of internal procedures becomes crucial. This is particularly important because, after the abolition of Ukraine's Commercial Code, many established economic terms are no longer recognized by law, placing greater importance on specialized laws and proper legal registration.

Thus, Ukraine's current maritime and seaport laws employ a mix of regulatory techniques. They integrate private and public law tools alongside judicial and administrative procedures. This blend fosters a balanced legal framework, setting the stage for future updates and improvements in maritime and port regulations amid a changing environment. Anticipated regulatory reforms will probably focus on industry development initiatives that align with current trends, while also safeguarding national interests and existing methods.

4. Addressing Wartime Challenges

The start of the full-scale Russo-Ukrainian war and the introduction of martial law have significantly altered the regulation of maritime and port activities. Primarily, this involves adapting to changing security conditions and maintaining supply chain stability. Administrative models are being revised to keep the maritime industry viable, stable, and flexible for military and related challenges. Several regulatory areas have experienced changes directly caused by the armed conflict to support operational responses under extraordinary military conditions. It is helpful to categorize these innovations into three main groups.

The first group includes actions related to closing some seaports and expanding the water areas of others. The initial closure of Ukrainian seaports to entry and exit took place on February 24, 2022, at 12:00 PM, when the Ministry of Infrastructure announced on its official website: "Now most of the seaports are closed and we are coordinating our actions with the Armed Forces. No port infrastructure got damaged." (Ministry of Infrastructure of Ukraine, 2022a). On February 25, 2022, the State Enterprise "Ukrainian Sea Ports Authority" (USPA) posted on its official Facebook page: "As reported by USPA traffic control service, as of 08:00 PM on 25.02.22 Skadovsk, Kherson, Mykolaiv, Olvia, Odesa, Chornomorsk, Pivdennyi, Bilgorod-Dnistrovskiy, Izmail, Reni, Ust-Dunaisk sea ports are closed, while Mariupol and Berdiansk sea ports are open for call and departure. Cargo operations are suspended, but in Chornomorsk, Pivdennyi, Mykolaiv, and Reni, they are carried out partially." (Ukrainian Sea Ports Authority, 2022a). On March 03, 2022, USPA announced: "Ukrainian sea ports are closed for call and departure by Coastal Warnings of the Ukrainian Navy on mine safety No. 83-91/22, 96-97/22, Coastal Warnings of the State Hydrographic Service No. 92/22, No. 98-99/22 on piracy threats by vessels of the Russian navy in the Black Sea and the Sea of Azov." (Ukrainian Sea Ports Authority, 2022b). At that time, Coastal Warnings from the State Hydrographic Service were the only documents establishing specific navigation prohibitions in Ukrainian waters (Gorovaya, 2023). The main reason for closing ports of entry and exit was military concerns.

The order for the formal closure of seaports occupied by Russian forces was approved in April 2022, which included the ports of Berdyansk, Mariupol, Skadovsk, and Kherson (Ministry of Infrastructure of Ukraine, 2022b). It closely resembled the logic behind

the 2014 order to close Crimean ports, such as Kerch, Sevastopol, Feodosia, Yalta, and Yevpatoria. This closely resembles the reasoning behind the 2014 order to close Crimean ports such as Kerch, Sevastopol, Feodosia, Yalta, and Yevpatoria (Ministry of Infrastructure of Ukraine, 2014), that were shut down as infrastructure facilities due to Ukraine's loss of control over them. These actions had two main purposes. Initially, they represented a form of derogation since Ukraine could not meet its duties as a port state to guarantee maritime safety. Second, they were part of sanctions imposed on the aggressor state, intended to limit the use of the occupied ports for shipping.

To maintain stable operation and accommodate the rising cargo volumes at the Danube cluster ports (Izmail, Reni, and Ust-Dunaysk) during martial law, their water area boundaries were expanded (Cabinet of Ministers of Ukraine, 2022d). This decision was both technical and strategic, helping to optimize vessel movement and securely redirect major cargo flows that had previously been handled by Black Sea ports. It also enhanced navigation safety on the Danube, especially regarding the monitoring and upkeep of declared depths. By opening new border crossing points and enlarging the water area of the Danube ports, Ukraine boosted exports and enhanced economic stability (UkraineInvest, n. d.). From a legal perspective, this expansion demonstrated how bylaws served as a quick tool for operational adjustments during wartime, enabling the government to rapidly modify the operation of key logistics hubs without requiring major legislation changes.

The second group includes acts focused on organizing the work of the Black Sea Grain Initiative, the Alternative Export-Import Corridor, and establishing a suitable security regime in seaports, which are essential for the implementation of these mechanisms. This set of decisions provided unprecedented support for Ukraine's maritime trade, addressing the risks of a global grain shortage and serving as a mechanism for partially restoring economic activity. It also ensured foreign exchange earnings and maintained supply chains to the EU, Turkey, and countries most dependent on agricultural products (Kormych et al., 2024; Martin et al., 2025). Alongside international agreements and supranational acts (such as the Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports, 2022; Procedures For Merchant Vessels, 2022; Circular Letter No. 4748), which laid the foundation for these mechanisms, several domestic laws were also adopted to facilitate their implementation, streamline the process, and safeguard the participants: Memorandum Regarding navigation along the approach corridor to the ports of Ukraine (Chornomorsk, Odesa, Pivdennyi) and Procedures for providing guarantees for compensation for damage caused as a result of the armed aggression of the Russian Federation against Ukraine and military operations on the territory of Ukraine to charterers, operators and/or owners of seagoing vessels and inland navigation vessels flying the flag of Ukraine and the flags of foreign states (Cabinet of Ministers of Ukraine, 2023b; 2024a).

Port operation security ensures continuous, effective functioning by controlling access, coordinating among port authorities, and collaborating with border and other relevant authorities to mitigate war risks such as shelling and mines. Since 2022, Ukraine has established a legal framework integrating security with logistics and international commitments. On February 25, 2022, security level 3 was declared during martial law (Cabinet of Ministers of Ukraine, 2022b). From March 1, 2022, navigation in Ukrainian internal waters and entry into Ukrainian seaports of Russia-affiliated vessels were prohibited (Cabinet of Ministers of Ukraine, 2022c). These imperative legal measures were also combined with guarantees and incentives for emergency operations, outlining clear procedures at both international and national levels.

The third group focuses on the digital transformation of the industry. Developed during the pandemic, digital technologies proved useful during martial law. Among these are

electronic certification services for seafarers via the Diya portal, which since 2023 have simplified remote qualification document processing, lowered bureaucracy burden and corruption risks and also addressed the issue of relocation of Ukrainian seafarers because of Russo-Ukrainian armed conflict (Diya, n. d.). Their operation is supported by the Resolution of the Government of Ukraine on Some Issues of Assigning Ranks to Personnel in Command of Seagoing Vessels (2022). For rank-and-file personnel, electronic services were introduced in 2024 (Ministry for Development of Communities, Territories and Infrastructure of Ukraine, 2023; Diya, 2024).

Software solutions for ports based on the “single window” principle [such as DocPort (Interfax-Ukraine, 2025) and IT solutions for customs and other border formalities (Berestenko, 2025)] also play a crucial role. They ensure compliance with the requirements of the International Maritime Organization (IMO) and amendments to the Convention on the Facilitation of International Navigation (FAL), which mandate port states to implement Maritime Single Window systems starting January 1, 2024. These services offer significant advantages, including saving 1 to 6 hours per vessel, speeding up the issuance of departure documents, providing transparency through digital signatures of responsible parties, increasing port throughput by 3–5% without additional infrastructure investment, and enabling the connection of new participants via an open API (Odessa Journal, 2025). However, industry experts note that current systems still require better integration and refinement to minimize human intervention (Berestenko, 2025). The adoption of such innovations, supported by an international framework, is outlined in Ukraine’s Strategy for Sea Ports Development until 2038. This strategy emphasizes ensuring port operations through innovative approaches aligned with the concepts of a “smart port,” “energy-efficient port,” and “green port.” Additionally, the 2022 updates to the Standard Technological Scheme for crossing the state border cover the organization of information systems for electronic interactions involving persons, vehicles, and cargo across various modes of transport (Cabinet of Ministers of Ukraine, 2022a).

The development of these technologies has significantly transformed the regulatory landscape of maritime and port activities. This transformation encompasses how information services operate, their integration and interaction, standards for electronic document management, data exchange, electronic identification of participants, and compliance with the requirements of international industry regulators.

Conclusions

Ukraine’s maritime law is evolving into a complex governance model that combines public law, private law, strategic planning, and digital tools. This shift improves its ability to adapt during conflicts, economic shocks, and in its international relationships. The regulation now employs a hybrid approach: public law ensures safety and environmental protection, private law offers flexibility for business, and strategic plans guide long-term priorities, though they are not legally binding. The removal of the Commercial Code centralizes private law under the Civil Code but highlights maritime-specific laws and contracts, aligning with European standards. Wartime innovations in port security, export routes, and digital systems have accelerated modernization, likely to continue. These crisis-driven reforms demonstrate that maritime law can be both stable and flexible, emphasizing adaptability, global integration, and technological solutions to maintain effective governance amid uncertainty.

REFERENCES

- BDO Ukraine. (2025, July 29). *Abolishing the Commercial Code: Aligning with EU Law*. <https://www.bdo.ua/en-gb/insights-1/information-materials/2025/abolishing-the-commercial-code-aligning-with-eu-law>
- Berestenko, V. (2025, October 20). *Reference: electronic document flow at sea checkpoints of Ukraine*. Facebook. https://drive.google.com/file/d/1KRQwBYljk5L1nyqJdIDCc6EzBejGGT-F/view?fbclid=IwY2xjawOA8YFleHRuA2F1bQlXmABicmlkETfJcHdFT0o3N3dhTWZqb1Uxc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHrvcph_5S1gjF-wLf-fKE34keHqiq93jgrGU3MUm1XWRPan_QWeQuiKoRBn_aem_981HNWdwun-l688x-yVQmQ
- Black Sea Grain Initiative – Procedures for Merchant Vessels*, 2022. https://www.un.org/sites/un2.un.org/files/jcc_shipping_procedures_26_aug_2022.pdf
- Cabinet of Ministers of Ukraine. (1996, May 16). *Resolution on approval of the Rules for navigation and stay in the territorial sea, internal waters, on raids and in ports of Ukraine of foreign warships*. (No. 529). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/en/529-96-n#Text>
- Cabinet of Ministers of Ukraine. (1998, July 10). *Resolution on approval of the Concept of Protection and Restoration of the Natural Environment of the Azov and Black Seas*. (No. 1057). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/1057-98-n#Text>
- Cabinet of Ministers of Ukraine. (2009, October 7). *Resolution on approval of the Maritime Doctrine of Ukraine for the Period until 2035*. (No. 1307). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/1307-2009-n#Text>
- Cabinet of Ministers of Ukraine. (2013, July 11). *Order on approval of the Strategy for the development of seaports of Ukraine for the Period until 2038*. (No. 548-r). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/548-2013-p?lang=en#Text>
- Cabinet of Ministers of Ukraine. (2019, July 17). *Resolution on approval of the Procedure for interaction between the State Enterprise "Sea Ports Administration of Ukraine" and the State Ecological Inspectorate to ensure compliance with environmental protection legislation in the event of detection of cases of discharge of pollutants by vessels (floating vessels) within the seaport water area*. (No. 670). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/670-2019-n?lang=en#n9>
- Cabinet of Ministers of Ukraine. (2022a, February 9). *Resolution on Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 451 of May 21, 2012 and Recognition of Certain Resolutions of the Cabinet of Ministers of Ukraine as Invalid*. (No. 94). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/94-2022-n?lang=en#Text>
- Cabinet of Ministers of Ukraine. (2022b, February 25). *Order on establishing the level of security in sea and river ports of Ukraine, port facilities, and vessels entitled to sail under the State Flag of Ukraine*. (No. 183-r). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/en/183-2022-p#Text>
- Cabinet of Ministers of Ukraine. (2022c, March 1). *Order on urgent measures for the safety of merchant shipping*. (No. 191-r). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/en/191-2022-p#Text>
- Cabinet of Ministers of Ukraine. (2022d, November 11). *Resolution on Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine Regarding the Boundaries of Seaport Water Areas*. (No. 1273). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/main/1273-2022-n?lang=en#Text>
- Cabinet of Ministers of Ukraine. (2022e, December 30). *Resolution on some issues of assigning ranks to personnel in command of sea vessels*. (No. 1499). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/1499-2022-n?lang=en#Text>
- Cabinet of Ministers of Ukraine. (2023a, May 2). *Order on approval of the Strategy for the Development of the Fisheries Industry of Ukraine for the period until 2030 and approval of the operational plan of measures for its implementation in 2023-2025*. (No. 402-r). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/402-2023-p#Text>
- Cabinet of Ministers of Ukraine. (2023b, May 26). *Resolution approval of Procedure for providing guarantees for compensation for damage caused as a result of the armed aggression of the Russian Federation against Ukraine and military operations on the territory of Ukraine to charterers, operators and/or owners of seagoing vessels and inland navigation vessels flying the flag of Ukraine and the flags of foreign states*. (No. 548). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/548-2023-n?lang=en#Text>
- Cabinet of Ministers of Ukraine. (2024a, March 29). *Resolution approval of Procedure for providing guarantees for compensation for damage caused as a result of the armed aggression of the Russian Federation against Ukraine and military operations on the territory of Ukraine to charterers, operators and/or owners of seagoing vessels and inland navigation vessels flying the flag of Ukraine and the flags of foreign states*. (No. 361). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/361-2024-n?lang=en#Text>

- Cabinet of Ministers of Ukraine. (2024b, December 27). *Resolution on the approval of the National Transport Strategy of Ukraine for the period until 2030 and the approval of the operational plan of measures for its implementation in 2025-2027*. (No. 1550). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/1550-2024-n#Text>
- Cabinet of Ministers of Ukraine. (2025, June 25). *Order on approval of the Strategy for reforming the system of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources for the period until 2029 and approval of the operational plan of measures for its implementation in 2025-2027*. (No. 625-r). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/625-2025-p?lang=en#Text>
- Chuah, J. (2025). MARPOL and Contracts of Carriage: An Evaluation of the Duties of Carrier and Cargo Interest in Voyage Charterparties. In H. Ringbom, & A. Chircop (Eds.), *The International Convention for the Prevention of Pollution from Ships* (pp. 216–231). Edward Elgar Publishing Ltd. <https://doi.org/10.4337/9781803921389.00024>
- Civil Code of Ukraine, 2003*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/en/435-15#Text>
- Commercial Code of Ukraine, 2003*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/436-15?lang=en#Text>
- Commercial Court of Odessa Region. *Decision in the case No. 916/2185/20*. Unified State Register of Court Decisions. <https://reyestr.court.gov.ua/Review/91906756>
- Commercial Court of Odessa Region. *Decision in the case No. 916/1171/23*. Unified State Register of Court Decisions. <https://reyestr.court.gov.ua/Review/113526224>
- Commercial Court of Odessa Region. *Decision in the case No. 916/1369/23*. Unified State Register of Court Decisions. <https://reyestr.court.gov.ua/Review/113793705>
- Commercial Court of Odessa Region. *Decision in the case No. 916/4757/24*. Unified State Register of Court Decisions. <https://reyestr.court.gov.ua/Review/125672951>
- Diya. (n.d.). *Certification of ship crew members*. <https://diia.gov.ua/services/otrimannya-kvalifikacijnih-dokumentiv-komandnogo-skladu-sudna>
- Diya. (2024, September 5). *Without papers and bribes: private sailors can now also obtain qualification documents on the Diya portal*. <https://diia.gov.ua/news/bez-papirciv-ta-habariv-moryaki-ryadovogo-skladu-vidteper-takozh-mozhut-otrimati-kvalifikacijni-dokumenti-na-portali-diya>
- Draft Strategy for the Development of Ukraine's Shipbuilding Industry until 2030 and beyond, 2021*. <https://komprompol.rada.gov.ua/uploads/documents/30813.pdf>
- Duran, C., et al. (2024). DMLBC: Dependable machine learning for seaports using blockchain technology, *Journal of King Saud University – Computer and Information Sciences*, 36(1), 101918. <https://doi.org/10.1016/j.jksuci.2024.101918>
- EUAM Ukraine. (2025, July 7). *Black Sea Security Drives Maritime Reform in Ukraine*. <https://www.euam-ukraine.eu/news/black-sea-security-drives-maritime-reform-in-ukraine/>
- EY Ukraine. (2025, July 2). *The Commercial Code has been repealed: what does this mean for business and the state?* https://www.ey.com/uk_ua/it-tax-law-digest/the-commercial-code-repealed-what-it-means-for-business-and-the-state
- Fratila, A., et al. (2021). The Importance of Maritime Transport for Economic Growth in the European Union: A Panel Data Analysis. *Sustainability*, 13(14), 7961. <https://doi.org/10.3390/su13147961>
- Girvin, S., & Ulfbeck, V. (Eds.). (2024). *Carbon-Free Shipping and Shipping Carbon: Contracts in Context*. Hart Publishing. <https://doi.org/10.5040/9781509972661>
- Gorovaya, K. (2023, October 17). *Vessel blocking at the Ukrainian sea ports*. Miller. <https://millermagazine.com/blog/vessel-blocking-at-the-ukrainian-sea-ports-5408>
- Gulyas, F. Z., & Kinra, A. (2025). What could make seaports more committed to air quality? A qualitative content analysis of key barriers, drivers, and enablers. *Journal of Shipping and Trade*, 10, 1. <https://doi.org/10.1186/s41072-024-00190-z>
- IMO Facilitation Committee. (2022, May 13). *Resolution on Amendments to the Annex to the Convention on Facilitation of International Maritime Traffic, 1965*. (FAL.14(46)). <https://www.wcdn.imo.org/localresources/en/MediaCentre/Documents/FAL%2046-24-Add.1%20-%20Report%20Of%20The%20Facilitation.pdf>
- Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports, 2022*. https://www.un.org/sites/un2.un.org/files/black_sea_grain_initiative_full_text.pdf
- Interfax-Ukraine. (2025, May 28). *DocPort platform launched in Odesa port*. <https://en.interfax.com.ua/news/general/1075523.html>

- International Convention for the Prevention of Pollution from Ships, 1973/1978*. <https://library.arcticportal.org/1699/1/marpol.pdf>
- International Convention for the Safety of Life at Sea, 1974*. Consolidated edition 2004. https://library.arcticportal.org/1696/1/SOLAS_consolidated_edition2004.pdf
- International Maritime Organization. (2023, July 19). *Circular Letter on Communication from the Government of Ukraine*. (No. 4748). <https://www.wcdn.imo.org/localresources/en/MediaCentre/HotTopics/Documents/Black%20Sea%20and%20Sea%20of%20Azov%20-%20Member%20States%20and%20Associate%20Members%20Communications/Circular%20Letter%20No.4748%20-%20Communication%20From%20The%20Government%20Of%20Ukraine%20%28Secretariat%29.pdf>
- International Maritime Organization. (2024, January 31). *Maritime Single Window – advancing digitalization in shipping*. <https://www.imo.org/en/mediacentre/pressbriefings/pages/maritime-single-window-advancing-digitalization-in-shipping.aspx>
- Jia, B. B. (2014). The Principle of the Domination of the Land over the Sea: A Historical Perspective on the Adaptability of the Law of the Sea to New Challenges. *German Yearbook of International Law*, 57, 1–32. <https://www.iilj.org/wp-content/uploads/2016/09/JiaILJColloq2015.pdf>
- Kormych, B., & Averochkina, T. (2023). Black Sea Grain Initiative is Dead, Long Live the New Trade Corridor. *Lex Portus*, 9(4), 7–15. <https://doi.org/10.26886/2524-101X.9.4.2023.1>
- Kormych, B., Averochkina, T., & Kormych, L. (2024). Black Sea, grain, and two humanitarian corridors: unblocking Ukrainian shipping amid the Russian invasion. *Small Wars & Insurgencies*, 35(8), 1360–1396. <https://doi.org/10.1080/09592318.2024.2384679>
- Kukhariev, O., Kostiuchenko, O., & Krasyska, L. (2025). Reforming Ukraine's Civil Legislation as a Tool for Economic Recovery and Ensuring Sustainable Development in the Post-War Period. *Baltic Journal of Economic Studies*, 11(2), 264–272. <https://doi.org/10.30525/2256-0742/2025-11-2-264-272>
- Kuznetsov, S., Vladyshevska V., & Kuznetsov, S. (2023). Coastal Regions of Ukraine: Governance Transformation amid the Russian Invasion. *Lex Portus*, 9(1), 37–49. <https://doi.org/10.26886/2524-101X.9.1.2023.3>
- Law on approval of the National Program for the Protection and Restoration of the Environment of the Azov and Black Seas No. 2333-III, 2001*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/2333-14#Text>
- Law on Contiguous Zone of Ukraine No. 2641-VIII, 2018*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/2641-19?lang=en#Text>
- Law on Exclusive (Maritime) Economic Zone of Ukraine No. 162/95-VR, 1995*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/en/162/95-bp#Text>
- Law on Seaports of Ukraine No. 4709-VI, 2012*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/4709-17?lang=en#Text>
- Law on State Border of Ukraine No. 1777-XII, 1991*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/1777-12?lang=en#Text>
- Law on the peculiarities of regulating the activities of legal entities of certain organizational and legal forms in the transitional period and associations of legal entities No. 4196-IX, 2025*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/main/4196-20?lang=en#Text>
- Martin, B.P., et al. (2025). Shipping trade and geopolitical turmoil: The case of the Ukrainian Maritime network. *Journal of Transport Geography*, 128, 104342. <https://doi.org/10.1016/j.jtrangeo.2025.104342>
- Memorandum Regarding navigation along the approach corridor to the ports of Ukraine (Chornomorsk, Odesa, Pivdennyi)*. <https://www.uspa.gov.ua/wp-content/uploads/2022/07/memorandum-agent-ukr-eng-v2.pdf>
- Merchant Shipping Code of Ukraine, 1995*. RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/176/95-bp?lang=en#Text>
- Ministry for Development of Communities, Territories and Infrastructure of Ukraine. (2023, September 5). *Order on some issues of certification of rank-and-file members of seagoing vessel crews*. (No. 784). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/z1909-23?lang=en#Text>
- Ministry of Infrastructure of Ukraine. (2014, June 16). *Order on the closure of sea ports*. (No. 255). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/z0690-14?lang=en#Text>
- Ministry of Infrastructure of Ukraine. (2022a, February 22). *Operational information as of 12:00*. <https://mtu.gov.ua/news/33488.html>

- Ministry of Infrastructure of Ukraine. (2022b, April 28). *Order on the closure of sea ports*. (No. 256). RADA Legislation of Ukraine. <https://zakon.rada.gov.ua/laws/show/z0470-22?lang=en#Text>
- Nedelko, S. (2025, July 29). *Port Infrastructure: Outlook for Investors in 2025*. Ilyashev & Partners. <https://attorneys.ua/en/publication/port-infrastructure-outlook-for-investors-in-2025/>
- Notteboom, T., Pallis, A., & Rodrigue, J.-P. (2022). *Port Economics, Management and Policy*. (1st ed.). Routledge. <https://doi.org/10.4324/9780429318184>
- Odessa Journal. (2025, May 29). *Digital platform DocPort launched at the Port of Odessa*. <https://odessa-journal.com/public/digital-platform-docport-launched-at-the-port-of-odessa>
- Papanicolopulu, I. (2022). The Historical Origins of the Duty to Save Life at Sea in International Law. *Journal of the history of International Law*, 24, 149–188. <https://doi.org/10.1163/15718050-12340199>
- PPP Agency. (2025, September 4). *Ukraine launches the largest investment project on a public-private partnership basis in the port sector*. <https://pppagency.gov.ua/ukraine-launches-the-largest-investment-project-on-a-public-private-partnership-basis-in-the-port-sector/>
- Press Service of the Verkhovna Rada of Ukraine. (2025, July 1). Screening of Ukraine's Transport Legislation for Compliance with European Union Law Conducted. RADA. <https://www.rada.gov.ua/en/news/News/263542.html>
- RADA Legislation of Ukraine. (n.d.). *Commercial Code of Ukraine. History of document and versions*. <https://zakon.rada.gov.ua/laws/show/436-15/card4?lang=en>
- Sconfietti, Ch. (2025). *Seaports and Sovereignty: The Interdependence between Port Efficiency and National Power* [Master Thesis, Ca'Foscari University of Venice]. https://unitesi.unive.it/retrieve/e7b2bc0b-4543-4cac-9de7-efad137ba354/Seaports_and_Sovereignty_The_Interdependence_Between%20Port_Efficiency_and_National_Power_Sconfietti_2025-pdf.pdf
- Supreme Court. (2025, August 28). *The Commercial Code of Ukraine has lost its validity: key changes from August 28, 2025, what will change and for whom*. <https://supreme.court.gov.ua/supreme/pres-centr/news/1869305>
- Tijan, E., Agatić, A., Jović, M., & Aksentijević, S. (2019). Maritime National Single Window – A Prerequisite for Sustainable Seaport Business. *Sustainability*, 11(17), 4570. <https://doi.org/10.3390/su11174570>
- UkraineInvest. (n.d.). *Ukraine is expanding the water area of seaports on the Danube*. <https://ukraineinvest.gov.ua/en/news/17-11-22>
- Ukrainian Sea Ports Authority. (2022a, February 25). *Publication on port activity*. Facebook. <https://www.facebook.com/uspa.gov.ua/posts/за-інформацію-диспетчерської-служби-дпаппу-станом-на-0800-250222-вхідвихід-до-по/261866166120535/>
- Ukrainian Sea Ports Authority. (2022b, March 3). *Publication on port activity*. Facebook. <https://www.facebook.com/uspa.gov.ua/posts/pfbid02yAePChqXi9objzj4ZHerBQinFyJvYjDxesRr2t1GrMgJQ8bWtK92GHTSA5t1i9NDI>
- United Nations Convention on the Law of the Sea, 1982*. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

У статті розглядаються нещодавні зміни регуляторного середовища морської та портової діяльності в Україні в умовах значного політичного, економічного та безпекового тиску. Аналізуються фактори законодавчих трансформацій, зокрема військова агресія, зобов'язання у сфері європейської інтеграції, реформи цивільного законодавства та розширення інструментів цифрового урядування. Особливу увагу приділено коригуванню методів та прийомів правового регулювання за допомогою стратегічних політичних інструментів, взаємодії публічно- та приватноправових механізмів, наслідкам скасування Господарського кодексу України, зростанню впливу міжнародних стандартів та інструментів «м'якого права», а також регуляторним інноваціям воєнного часу. Результати дослідження свідчать про перехід морського законодавства України до гібридної регуляторної моделі, яка поєднує імперативне публічно-правове регулювання з гнучкими приватноправовими механізмами та програмним державним плануванням. Такий підхід зміцнює інституційну стійкість, підтримує безперервність морської торгівлі та дозволяє адаптувати правове регулювання до умов тривалої нестабільності. Підсумовується, що досвід України розширює загальне розуміння адаптивного правового забезпечення морської діяльності у державах, що стикаються з системними потрясіннями.

Ключові слова: морське законодавство, управління морськими портами, методи правового регулювання, взаємодія публічного та приватного права, регулювання воєнного часу, рекодифікація цивільного права, міжнародні морські стандарти, цифровізація.