

Act concerning the Maritime Zones of the Polish Republic and
the marine administration, 21 March 1991 1/

PART I
GENERAL PROVISIONS

Article 1

1. The Act defines the legal situation of the maritime areas of the Polish Republic, the coastal area and the authorities of the marine administration and their scope of jurisdiction.
2. The provisions of the Act shall not be applicable if an international treaty to which the Polish Republic is a party provides otherwise.

Article 2

1. The maritime areas of the Polish Republic are:
 - (1) The internal waters;
 - (2) The territorial sea;
 - (3) The exclusive economic zone,

hereinafter referred to as "Polish maritime areas".

2. The internal waters and the territorial sea are part of the territory of the Polish Republic.
3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

Article 3

1. If the needs of defence or of the security of the State so require:

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(2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].

2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

1/ Legislative Gazette of the Polish Republic [Dziennik Ustaw Rzeczypospolitej Polskiej], No. 32, Warsaw, 18 April 1991. Entered into force on 1 July 1991.

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Section 3
The exclusive economic zone

Article 14

There is established an exclusive economic zone of the Polish Republic.

Article 15

The exclusive economic zone is situated beyond and adjacent to the territorial sea. It includes the waters, the seabed and its subsoil.

Article 16

1. The boundaries of the exclusive economic zone shall be defined by international treaties.
2. If such international treaties as referred to in paragraph 1 do not exist, the Council of Ministers may, by means of an ordinance, define the boundary of the exclusive economic zone.

Article 17

In the exclusive economic zone, the Polish Republic shall have:

- (1) Sovereign rights to explore, manage and exploit the natural resources, whether living or non-living, of the seabed and its subsoil and the waters superjacent to them and the right to conserve those resources, as well as sovereign rights with respect to other economic undertakings in the zone;
- (2) Jurisdiction with regard to:
 - (a) The establishment and use of artificial islands, installations and other structures;
 - (b) Marine scientific research;
 - (c) The protection and preservation of the marine environment;
- (3) Other rights provided for under international law.

Article 18

Foreign States shall in the exclusive economic zone enjoy freedom of navigation and overflight, and of the laying of submarine cables and pipelines and the right to use other methods of exploiting the sea related to these freedoms and which are consistent with international law, subject to the provisions of the Act.

Article 19

Polish law relating to the protection of the environment shall be in force in the exclusive economic zone.

Article 20

The right to undertake and engage in fishing in the exclusive economic zone shall be held only by ships of Polish nationality, subject to any contrary provisions of the Act.

Article 21

Foreign fishing vessels may undertake and engage in fishing in the exclusive economic zone if an international treaty concluded by the Polish Republic with the State of nationality of the vessel provides for such a possibility or if the vessel is availing itself of a licence.

Article 22

1. In the exclusive economic zone, the Polish Republic shall have the exclusive right to construct, or to authorize and regulate the construction and utilization of, artificial islands, installations and structures of any kind intended for the conduct of scientific research, exploration or exploitation of resources.

2. The artificial islands, installations and structures referred to in paragraph 1 shall be subject to Polish law.

Section 4

Artificial islands, installations and structures,
submarine cables and pipelines

Article 23

Authorizations for the construction and utilization of artificial islands, installations and structures in the Polish territorial sea and in the exclusive economic zone shall be issued by the Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, and in the internal waters such authorizations shall be issued by the director of the marine office.

Article 24

Around the artificial islands, installations and structures, the director of the competent marine office may establish safety zones extending not more than 500 metres measured from each point of their outer edge, unless a different width of the zone is authorized by the generally accepted standards of international law or recommended by the competent international organization.

Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the establishment of safety zones around them and the total or partial removal of artificial islands, installations and structures shall be made known to the public in the official publications of the Hydrographic Bureau of the Polish Republic and in the "Notices to mariners" ["Ostrzeżenia Nawigacyjne"].

Article 26

The laying and maintenance of submarine cables and pipelines in the internal waters and the territorial sea shall require an authorization from the director of the competent marine office.

Article 27

1. The laying and maintenance of submarine cables and pipelines in the exclusive economic zone shall be permitted if it does not interfere with the exercise of the rights of the Polish Republic and subject to the condition that the location and methods of maintenance must be coordinated with the Minister of Transport and Marine Economy, who shall render a decision in that sphere, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry.
2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

Section 5
Scientific research

Article 28

Scientific research in Polish internal waters and the territorial sea may be carried out by foreign States and foreign natural or juridical persons, as well as by competent international organizations, after obtaining the consent of the Minister of Transport and Marine Economy.

Article 29

1. Scientific research in the Polish exclusive economic zone may be carried out by the States, persons and organizations referred to in article 28 after obtaining a consent from the Minister of Transport and Marine Economy. Applications for the issuance of the consent, containing information on the intended research and the programme therefor, must be submitted not later than six months before the expected starting date of the research.
2. The Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, shall refuse to issue a licence or shall revoke a licence if the scientific research threatens to pollute the environment. In the same manner, the Minister of Transport and Marine Economy may withhold its consent to the conduct of such research if the said research:
 - (1) Relates directly to the natural resources of the zone;
 - (2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;
 - (3) Involves the construction or use of artificial islands, installations and structures.

Article 30

Foreign States and foreign natural and juridical persons, as well as competent international organizations, conducting scientific research in Polish maritime areas shall be required to:

- (1) Ensure the participation of Polish representatives in the research, including their presence on board research vessels and at other installations;
- (2) Inform the Minister of Transport and Marine Economy, at his request, of the results of the research;
- (3) Enable the Minister of Transport and Marine Economy, at his request, to have access to all data and samples derived from the research;
- (4) Inform the Minister of Transport and Marine Economy without delay of any major change in the research programme;
- (5) Remove the scientific research installations and equipment without delay once the research is completed, unless a separate licence to leave them has been obtained.

Article 31

Polish natural or juridical persons may engage in scientific research in Polish maritime areas without a licence. The said persons shall inform the director of the competent marine office concerning the geographical areas and method to be used for the research 14 days before the research is begun and after the research is concluded.

Article 32

The Minister of Transport and Marine Economy shall require the cessation of any research in Polish maritime areas referred to in articles 28 and 29, or to revoke a licence issued on the basis of article 29, if the research is carried out in a manner not consistent with the provisions of the Act, or with special provisions established by the licence, or if the research has harmful consequences for the environment.

Section 6

Exploitation of mineral resources

Article 33

1. The right to the exploration, extraction and utilization of mineral resources in Polish maritime areas shall be held by the State.
2. The exploration, extraction and utilization of mineral resources referred to in paragraph 1 shall require a licence from the Minister of Environmental Protection, Natural Resources and Forestry, issued in agreement with the Minister of Transport and Marine Economy.
3. Foreign natural or juridical persons may participate in the exploration, extraction and utilization of mineral resources which are referred to in paragraph 2 if provision therefor is made by international treaties binding on the Polish Republic or if they are acting on the basis of the licences referred to in paragraph 2.

Article 34

The investigation, prospecting, exploration and extraction of mineral resources shall be subject, mutatis mutandis, to the regulations relating to geological research, the extraction and utilization of minerals and the regulations relating to the protection of the marine environment and the safety of navigation and life at sea.

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PART III
THE MARINE ADMINISTRATION

Section 1
Structure of the authorities of the marine administration

Article 38

The authorities of the marine administration are:

- (1) The Minister of Transport and Marine Economy;
- (2) The directors of the marine offices, as the local authorities of the marine administration.

Article 39

1. The director of a marine office shall be subordinate to the Minister of Transport and Marine Economy.
2. The director of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy. The deputy directors of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy at the request of the director of the marine office.
3. The director of a marine office shall exercise his functions with the assistance of the marine office.
4. The composition of the marine offices shall include, in particular, the marine inspectorate, the harbour-master offices [kapitanaty] of large ports and the boatswain offices [bosmanaty] of small ports.

Article 40

1. Marine offices shall be created and abolished by the Minister of Transport and Marine Economy by means of ordinances.
2. The Minister of Transport and Marine Economy, after obtaining the opinion of the competent provincial governors, shall, by means of ordinances, define the territorial sphere of activity of the directors of marine offices and the headquarters of the offices.
3. The organization of a marine office and the detailed sphere of activity of the director of a marine office shall be defined by a statute issued by the Minister of Transport and Marine Economy.

Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.
2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2

Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.
2. In particular, the authorities of the marine administration shall deal with matters relating to:
 - (1) The safety of marine navigation;
 - (2) The utilization of maritime routes and of large and small seaports;
 - (3) The conduct of marine fishing and the exploitation of other living resources of marine waters;
 - (4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;
 - (5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;

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Section 3

Regulations issued by the local authorities
of the marine administration

Article 47

1. The directors of the marine offices shall issue legal regulations on the basis of the powers conferred upon them in legislative acts.
2. Subject to article 48, the regulations referred to in paragraph 1 shall be issued in the form of orders [zarządzenia].
3. An order issued by the director of a marine office must be proclaimed in the provincial official gazette which is competent from the standpoint of the territorial sphere of application of the said order.
4. An order issued by the director of a marine office shall enter into force after the expiry of 14 days from the date of its proclamation [ogłoszenie], unless it provides for a different period or unless such a period follows from the Act on the basis of which it was issued.

Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porządkowe] containing prohibitions or commands concerning the behaviour referred to.

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Section 4
Exercise of supervision

Article 49

Supervision over compliance with the provisions of the Act shall be exercised by the authorities of the local marine administration.

Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:

(1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;

(2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;

(3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.

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Article 51

While performing his service functions, an inspector of the marine inspectorate, hereinafter referred to as "an inspector", shall be entitled:

(1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;

(2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;

(3) To secure abandoned fish and articles used for fishing;

(4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:

(a) To retain the documents referred to in subparagraph 1;

(b) To seize fish and articles used for catching fish and to secure them;

- (c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

Article 52

1. If there arises a well-founded suspicion that the provisions of the Act are being or have been violated, the inspector may examine a foreign ship found in Polish maritime areas and compel it to enter a designated port, using all necessary means.
2. If a foreign ship is stopped and brought to a Polish port, the local authority of the marine administration shall notify that fact without delay to the competent authority of the flag State of the ship.
3. Examination in the sphere of protection of the marine environment against pollution from vessels shall be regulated by a separate Act.

Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.
2. An inspector shall have the right to be present on board any ship carrying on any activity in Polish maritime areas.
3. While an inspector is present on board a ship, the commander of the said ship must enable him to carry out his verification of compliance with the regulations in force and his observation of the activities being carried on and must, in particular:
 - (1) Provide any necessary explanations;
 - (2) Present for examination the documents demanded, together with the ship's log;
 - (3) Enable the inspector to view the fish that have been caught and the fishing gear, the equipment used for research and the samples taken in the course of the research and the analyses carried out;
 - (4) Enable the inspector to make entries in the ship's log;
 - (5) Enable the inspector to use means of communication and provide him with assistance in the sending and receiving of messages;
 - (6) Provide all other assistance necessary for carrying out the examination in accordance with regulations;
 - (7) Provide the necessary quarters and food in the event of a prolonged stay on board the ship.

Article 54

While performing his service functions, an inspector shall be required to wear his uniform and inspection insignia.

PART IV
FINES

Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:

- (1) Exploitation of the mineral resources or living resources of the sea;
- (2) Pollution of the marine environment;
- (3) Scientific research pertaining to the sea and the seabed;
- (4) The construction of artificial islands, installations and structures;
- (5) The laying of submarine cables and pipelines,

shall be punishable by a fine equivalent to not more than \$1 million units of account known as "Special Drawing Rights" (SDR), defined by the International Monetary Fund.

2. A person who violates the regulations relating to the exploitation of artificial islands, structures, installations, submarine cables and pipelines shall be subject to the same penalty.

Article 56

A person who:

- (1) Stops or anchors a ship outside of the location designated therefor;
- (2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;
- (3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;
- (4) Navigates a ship out of a port in spite of a received prohibition;
- (5) Loads or unloads goods from a ship at a location not designated therefor;
- (6) Establishes contact with the shore which causes danger to the safety of navigation;
- (7) Leaves a ship in an unauthorized location;
- (8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;

(9) Violates a regulation issued on the basis of articles 47 and 48;

(10) Does not comply with the commands referred to in article 52, paragraph 1;

(11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;

(12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;

(13) Sets in motion equipment which impairs the effectiveness of the navigational sign system,

shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

Article 57

1. The fines referred to in articles 55 and 56 shall be imposed by the director of the marine office in the form of administrative decisions.
2. Appeals against the decisions referred to in paragraph 1 may be lodged with the Minister of Transport and Marine Economy.
3. The decisions referred to in paragraph 1 shall be immediately executable.

Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.
2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.
2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.
3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.

4. Fines imposed on the basis of articles 55 and 56 which have not been paid within the designated period shall be subject, together with the interest for the period of the delay, to collection in the manner defined in the regulations for enforcement proceedings in the administration.

Article 60

Amounts collected as fines shall remain at the disposal of the Minister of Transport and Marine Economy and shall be devoted to the protection of the marine environment and the living resources of the sea.

PART V
AMENDMENTS TO REGULATIONS CURRENTLY IN FORCE

Article 61

In the Act of 21 May 1963 concerning marine fishing (Dziennik Ustaw No. 22, item 115; 1970, No. 3, item 14; and 1977, No. 37, item 163), section 7 is deleted.

Article 62

The following amendments are made to the Code of Procedure in Matters concerning Infractions [wykroczenia]:

(1) In the title of part XIII, the words "morskiej i" ["marine and"] are deleted;

(2) In article 43:

(a) In paragraph 1, the words "urzędach morskich i" ["marine offices and"] are deleted;

(b) Paragraph 2 is amended to read as follows:

"Paragraph 2. The authorities acting at first instance shall be the boards [kolegia] of district mining offices and mining offices of equal rank, and the authority acting at second instance shall be the board of the Higher Mining Office.";

(3) In article 144, paragraph 2 is deleted;

(4) In article 145, the words "urzędu morskiego i" ["marine office and"] are deleted;

(5) Article 146 is deleted;

(6) In article 147, paragraph 1 and the designation "Paragraph 2" are deleted;

(7) Article 148 is deleted;

(8) In article 149, the words "administracji morskiej i" ["marine administration and"] are deleted;

(9) In article 150:

(a) In paragraph 1, the words "przy Ministrze Żeglugi oraz" ["with the Minister of Navigation and"] are deleted;

(b) In paragraph 2, the words "odpowiednio Minister Żeglugi oraz" ["respectively, the Minister of Navigation and"] are deleted;

(10) In article 151:

(a) Paragraph 1 is amended to read as follows:

"Paragraph 1. Higher supervision over the activities of the boards of the mining offices shall be exercised by the Chairman of the Higher Mining Office."

(b) In paragraph 2, the words "Minister Żeglugi i" ["Minister of Navigation and"] are deleted, and the word "moga" [may (plural verb)] is replaced by the word "moze" [may (singular verb)].

Article 63

In the Act of 20 May 1971 concerning the composition of boards in matters involving infractions (Dziennik Ustaw No. 12, item 118; 1972, No. 49, item 312; 1974, No. 24, item 142; 1975, No. 16, item 91; 1982, No. 45, item 291; 1989, No. 35, item 192; and 1990, No. 43, item 251), in article 2, paragraph 1, subparagraphs (2) and (5) are deleted.

Article 64

In the Act of 24 November 1974 - Water Law (Dziennik Ustaw No. 38, item 230; 1980, No. 3, item 6; 1983, No. 44, item 201; 1989, No. 26, item 139, and No. 35, item 192; and 1990, No. 34, item 198, and No. 39, item 232), in article 55, paragraph 2, item 7 is amended to read as follows:

"(7) The accumulation of liquid and solid wastes in the technical area and in seaports - in coordination with the director of the competent marine office,".

Article 65

In the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163), article 1, article 2, paragraphs 1 and 2, and articles 3 to 9 are deleted.

PART VI TRANSITIONAL AND FINAL PROVISIONS

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Article 67

1. The treaties referred to in article 16, paragraph 1, are:

(1) Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Marine Fishery Zone and the

Continental Shelf in the Baltic Sea, signed at Moscow on 17 July 1985 (Dziennik Ustaw, 1986, No. 16, item 85);

(2) Treaty concerning the Delimitation of the Continental Shelf and the Fishery Zones between the Polish People's Republic and the Kingdom of Sweden, concluded at Warsaw on 10 February 1989 (Dziennik Ustaw No. 54, item 323);

(3) Treaty between the Polish People's Republic and the German Democratic Republic concerning the Delimitation of Marine Areas in the Bay of Pomerania, signed at Berlin on 22 May 1989 (Dziennik Ustaw No. 43, item 233).

2. Pending the conclusion of a treaty on the delimitation of maritime areas between the Polish Republic and the Kingdom of Denmark, article 2, paragraphs 3 and 4, of the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163) shall remain in force, subject to the condition that the term "Polish marine fishery zone" shall be understood to mean the Polish exclusive economic zone.

Article 68

The directors of the marine offices shall establish and publish, in the form of notices, in the competent provincial official gazettes, within a period of six months from the date of entry into force of the Act, lists of legal regulations which were issued before the date of entry into force of the Act and are universally binding in the areas of their validity. Regulations not included in a list shall cease to have effect.

Article 69

Pending the issuance of the enforcement regulations provided for in the Act, the regulations in force up to the present time shall, unless contrary to it, remain in force.

Article 70

The following shall cease to have effect:

(1) The decree of 2 February 1955 concerning the local authorities of the marine administration (Dziennik Ustaw No. 6, item 35; 1961, No. 6, item 42; 1971, No. 12, item 117; and 1989, No. 35, item 192);

(2) The Act of 17 December 1977 concerning the territorial sea of the Polish People's Republic (Dziennik Ustaw No. 37, item 162);

(3) The Act of 17 December 1977 concerning the continental shelf of the Polish People's Republic (Dziennik Ustaw No. 37, item 164, and 1989, No. 35, item 192).

Article 71

The Act shall enter into force on 1 July 1991.