



T.C.
ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI
Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü

Sayı : 72249164-730.99/E.77432
Konu : 3604 Sayılı IMO Sirküler Mektubu

20.11.2015

İMEAK DENİZ TİCARET ODASINA

Meclis-i Mebusan Caddesi No:22 34427 Fındıklı-Beyoğlu / İstanbul

Ukrayna'nın Londra Büyükelçiliğince Uluslararası Denizcilik Örgütü'ne (IMO) üye ülkelere iletilmesi talebiyle gönderilen ve bir örneği ilişik 3604 Sayılı Sirküler Mektubu Ek'indeki Nota'da, Rusya Federasyonu'nun (RF) 20/02/2014 tarihinde Kırım ve Sivastopol'ü işgal ettiği, ayrıca Donetsk ve Luhansk bölgelerinde etkin kontrolü ele geçirdiği ifade edilerek Birleşmiş Milletler Anlaşması ile anayasasını kapsamlı bir şekilde ihlal eden ve uluslararası barış ve güvenliği tehdit eden bir eylem olduğu belirtilmektedir.

Bahse konu Nota'da devamla, Ukrayna'nın egemenliğini ve toprak bütünlüğünü teyid eden 27 Mart 2014 tarihli Birleşmiş Milletler Genel Kurul Kararıyla birlikte tüm ülkelere Kırım ve Sivastopol'ün statüsündeki değişikliği **tanımamaları** yönünde çağrıda bulunduğu ifade edilmektedir.

Bu bağlamda; 15 Ekim 2015 tarihinden yeni anayasanın yürürlüğe girerek işgal altındaki bahse konu yerlerin Ukrayna tarafından tekrar kontrol altına alınacağı tarihe kadar ISPS Kod Kısım A/16'ya göre; Özerk Kırım Cumhuriyetindeki Feodosiya, Kerç, Sivastopol, Yalta ve Yevpatoriya limanlarında gemi ve liman tesisi güvenliğinden sorumlu olan Ukrayna Altyapı Bakanlığı tarafından bahse konu limanlardaki Liman Tesisi Güvenlik Planları'nın (PFSPs) iptal edildiği ifade edilmektedir.

Ayrıca, 3477 ve 3490 No'lu Sirküler Mektupları ile MSC 95/21/5 rumuzlu dokümanda da belirtildiği üzere Ukrayna kanunlarına göre RF'nin geçici işgali ve kontrolü altındaki söz konusu bölgelerde bulunan ve Ukrayna tarafından kapatılmış olan limanlara giren gemilerin armatörlerinin, işleticilerinin ve gemi kaptanlarının cezai sorumluluk altına girecekleri belirtilmektedir.

Bilgilerine ve bahse konu Nota'nın bölgede ticari faaliyet gösteren sektör temsilcilerine iletilmesi hususunda gereğini arz ve rica ederim.

e-imzalıdır

Bekir GEZER

Bakan a.

Genel Müdür

Ek : 3604 Sayılı Sirküler Mektubu

Dağıtım:

-DENİZ VE İÇSULAR DÜZENLEME GENEL
MÜDÜRLÜĞÜNE

-DENİZ TİCARETİ GENEL
MÜDÜRLÜĞÜNE

-İMEAK DENİZ TİCARET ODASINA

Güvenli Elektronik İmza

Aşlı ile Aynıdır.

23.11.2015

Not: 5070 sayılı Elektronik İmza Kanunu gereği bu belge elektronik imza ile imzalanmıştır.

Evrak Doğrulama Kodu : UTUJSFPVIQDSRKDCNHJS Evrak Takip Adresi: <http://belgedogrulama.udhb.gov.tr>
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Bilgi için: Mehmet Hanifi GÜLER
Denizcilik Sörvey Mühendisi

Bağı/ İlgili/ İlişkili Kurum ve Kuruluşlar





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Sayı : 72249164-730.99/E.77432
Konu : 3604 Sayılı IMO Sirküler Mektubu

20.11.2015

-MERSİN DENİZ TİCARET ODASINA

Not: 5070 sayılı Elektronik İmza Kanunu gereği bu belge elektronik imza ile imzalanmıştır.

Evrak Doğrulama Kodu : UTUJSFPVIQDSRKDCNHJS Evrak Takip Adresi: <http://belgedogrulama.udhb.gov.tr>
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Circular Letter No.3604
4 November 2015

To: IMO Member States
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Communication from the Government of Ukraine**

On 28 October 2015, the Embassy of Ukraine sent the attached communication, which it has requested to be circulated by the Organization.



EMBASSY OF UKRAINE

Ref. 6124/35-3272-1311

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organization and has the honour to inform of the following.

On 20 February 2014 the Russian Federation launched armed aggression against Ukraine and occupied a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol, and today exercises effective control over certain districts of the Donetsk and Luhansk oblasts of Ukraine. These actions are in gross violation of the Charter of the United Nations and constitute a threat to international peace and security. The Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for its actions and their consequences under international law.

The United Nations General Assembly Resolution A/RES/68/262 of 27 March 2014 confirmed the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The United Nations also called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol.

In this regard and in accordance with section A/16 of the International Ship and Port Facility Security (ISPS) Code, the Ministry of Infrastructure of Ukraine, which is the state authority responsible for ship and port facility security, withdrew port facility security plans (PFSPs) in the following seaports of Ukraine in the temporarily occupied territory of the Autonomous Republic of Crimea: Feodosiya, Kerch, Sevastopol, Yalta

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and Yevpatoriya from 15 October 2015 and until the complete restoration of the constitutional law and order and effective control by Ukraine over such occupied territory.

In addition, the Embassy of Ukraine would like to draw the attention of the IMO Member States, as it was circulated by the IMO circular letters Nos. 3477, 3490 and in document MSC 95/21/5, that the Law of Ukraine "On Securing Citizens' Rights and Freedom and the Legal Regime in the Temporarily Occupied Territory of Ukraine" prescribes the criminal liability of shipowners, ship operators and ship masters for violation of the order when entering the temporarily occupied territory of Ukraine and departing from it, including entry to the closed seaports of Ukraine in the territory of the Autonomous Republic of Crimea.

The Embassy of Ukraine kindly requests the Secretariat to bring this Note to the attention of the IMO Member States, international organizations which have concluded agreements of cooperation with the IMO and non-governmental organizations in consultative status with the IMO.

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretariat of the International Maritime Organization the assurances of its highest consideration.



London, *AS* October 2015

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Circular Letter No.3477
21 July 2014

To: IMO Member States
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Communication from the Government of Ukraine**

On 21 July 2014, the Embassy of Ukraine sent the attached communication which it has requested to be circulated by the Organization.



EMBASSY OF UKRAINE

No. 6124/35-327/2-950

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organisation and, referring to the Note of the Mission of the Russian Federation to the IMO No. 003/106 of June 26, 2014, which was circulated with the Secretariat of the IMO letter No. 3471 on July 7, 2014, has the honour to inform of the following.

The Ukrainian Side would like to draw the attention of the Secretariat, Member States of the International Maritime Organization and representatives of foreign shipping companies accredited to the IMO to the fact that the United Nations General Assembly Resolution A/RES/68/262 entitled "Territorial Integrity of Ukraine" dated March 27, 2014, affirmed its commitment to Ukraine's sovereignty, political independence, unity and territorial integrity within its internationally recognized borders calling on States, international organizations and specialized agencies not to recognize any change in the status of the Autonomous Republic of Crimea or the City of Sevastopol, and to refrain from actions or dealings that might be interpreted as such.

We should underscore the fact that a part of the land territory, territorial sea and exclusive economic zone in the Black Sea and Sea of Azov and the Kerch Strait is currently being used by the Russian Federation and its government illegally.

By its actions the Russian Federation as a state-occupier made it impossible for Ukraine on its sovereign territory to comply with a number of international commitments under international conventions, of which it was notified by the Embassy of Ukraine in the UK with its notes No. 6124/35-327/2-534 and No. 6124/35-327/2-535 dated May 5, 2014.

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Accordingly, all communications of the Russian Federation regarding control over the generally recognized part of the sovereign territory of Ukraine are to be deemed inconsistent with the provisions of the international law, maritime law inclusive, as regards the entire jurisdiction and guarantee of the activities of the State in its territory, the territorial sea and exclusive maritime economic zone.

The Russian Side "taking over" the responsibility for the international shipping issues, including the safety of navigation, protection of marine environment from ship pollution, search and rescue, ship registration, certification of crew members of seagoing vessels in maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol as an integral part of the territory of Ukraine does not comply with the basic principles and norms of the international law and effective legislation of Ukraine and shall be deemed illegal.

In addition, The Embassy of Ukraine to the UK would like to draw the attention of the IMO Secretariat and IMO Member States on the official closure of the seaports of Ukraine in the cities of Yevpatoria, Feodosia, Yalta, Kerch and Sevastopol starting from July 15, 2014 and until the restoration of the constitutional order in Ukraine in the temporarily occupied territory pursuant to the Order No. 255 "On the Closure of Seaports" dated June 16, 2014. The information on closing seaports was also published in the "Notices to Mariners of Ukraine".

Taking into consideration the abovementioned, the Ukrainian Side would like to emphasise once again on the issues of the liability, criminal liability inclusive, of the ship owners and vessel masters for the violation of the provisions of the legislation of Ukraine and entry to the closed seaports of Ukraine in the territory of the Autonomous Republic of Crimea.

The right to re-register the specified ports as required by the International Convention for the Safety of Life at Sea (SOLAS), 1974, with amendments (SOLAS-74), and the International Ship and Port Facility Security Code (ISPS Code) shall be vested solely with Ukraine.

The Embassy of Ukraine to the UK requests the Secretariat to bring this Note to the attention of the IMO Member States, international organisations which have concluded agreements of cooperation with the IMO and non-governmental organisations in consultative status with the IMO.

The Embassy of Ukraine avails itself of the opportunity to renew to the Secretariat of the International Maritime Organisation the assurances of its highest consideration.



London, July 21, 2014

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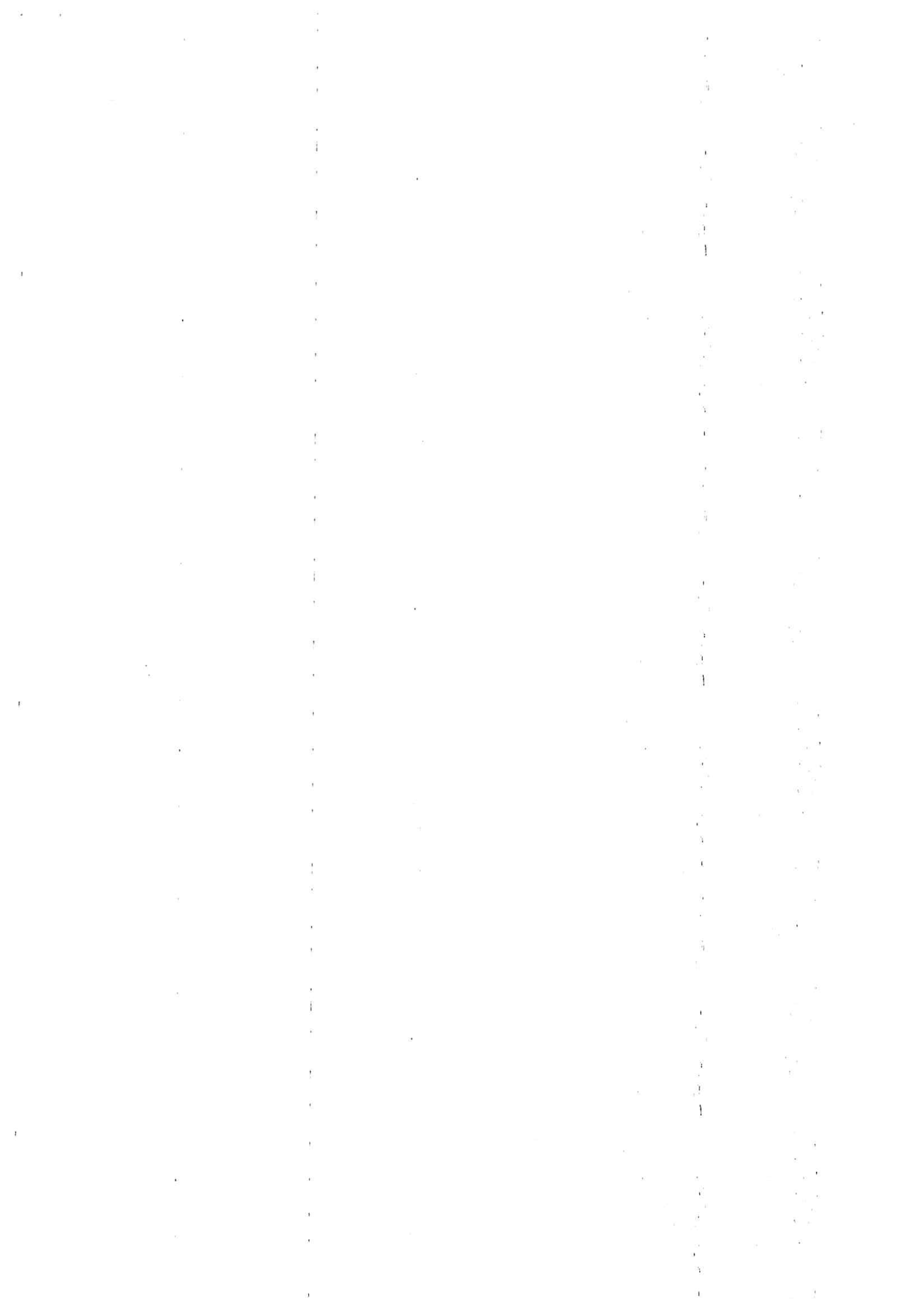
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Circular Letter No.3490
7 October 2014

To: IMO Member States
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Communication from the Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland**

On 3 October 2014, the Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland sent the attached communication, which it has requested to be circulated by the Organization.



ANNEX



EMBASSY OF UKRAINE

Ref. 6124/35-327/2-950

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organization and has the honour to draw the attention of the Secretariat, Member States of the International Maritime Organization as well as representatives of foreign shipping companies accredited to the IMO to the following fact. On 29 September 2014 Russian Side by the decree of its Government opened five seaports in the temporarily occupied territory of Ukraine (Yevpatoria, Feodosia, Yalta, Kerch and Sevastopol) for the entry of foreign-flag vessels. These actions of Russian Side constitute a gross violation of Ukrainian sovereignty and norms of international law.

In the light of abovementioned, Ukrainian Side one more time emphasises that land territory of Autonomous Republic of Crimea along with the city of Sevastopol, its internal waters, territorial sea, exclusive economic zone, adjacent continental shelf and airspace are the parts of Ukraine, which falls within the jurisdiction of Ukrainian state authorities under the regulations of international law, Constitution of Ukraine, and Ukrainian laws. As it was notified by the Embassy of Ukraine to the UK in its Note No 6124/35-327/2-950 of July 21, 2014 to the Secretariat of IMO (Circular letter No 3477) the seaports of Ukraine in the cities, Yevpatoria, Feodosia, Yalta, Kerch and Sevastopol were officially closed starting from July 15, 2014 until the restoration of the constitutional order of Ukraine in the temporarily occupied territory and cessation of Russian occupation.

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The actions of the Russian Federation are in breach with its own international obligations under the United Nations Convention on the Law of Sea of 1982, International Convention for the Safety of Life at Sea of 1974 with amendments, International Ship and Port Facility Code. Russian Side neglect of its international commitments undermines the basis of current international law and creates threat to international peace and security in that region. In addition, these actions constitutes the gross violation of the norms and principles of international humanitarian law, particularly of Article 43, IV Hague Convention of 1907, which binds the Russian Federation, as the occupant, to respect existing laws in force in the occupied country and respectively do not change or terminate them, or replace by own laws.

Ukrainian Side qualifies these actions of Russian Side as internationally illegal, which entails the international responsibility. Ukraine demands from Russian Federation to cease international illegal actions immediately, annul abovementioned decree of its Government, respect the sovereignty and territorial integrity of Ukraine and stop armed occupation of the part of Ukrainian territory.

Ukrainian Side underscores that the right to re-registration of the mentioned seaports, at the territory of Crimea, belongs exceptionally to Ukraine under the norms of international law. It reiterates that calling of ship under foreign flags at closed seaports at the territory of the Autonomous Republic of Crimea and the city of Sevastopol shall be considered by Ukraine as violation of international law, as actions undermining the sovereignty of Ukraine, and also as violation of the Law of Ukraine, which entails the responsibility of ship owners, whip operators and ship captains, including criminal responsibility.

The Embassy of Ukraine requests Secretariat to bring this Note to the attention of the IMO Member States, international organisations which have concluded agreements of cooperation with the IMO and non-governmental organisations in consultative status.

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretariat of the International Maritime Organization the assurances of its highest consideration.



London, 3 October 2014