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## WP1.2: STUDY OF REGULATION ORGANIZATION FOR INLAND WATERWAY TRANSPORT

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## INTRODUCTION

One of the approved topics for studies in “Potential Future of the Inland Waterways, INFUTURE” (KS1006) project is focused on legislation and formalities in Finland and in Russia that forms regulatory institutions for inland shipping in general and in the area of Saimaa inland waterways and Volgo-Balt inland waterways, in particular.

It is recognized that due to international character of the maritime shipping, linked with global rules of export-import trade of the nations, taking part in it, there is certain system approach worked out in maritime regulation. It goes up to International Maritime Organization (IMO), the main regulating body of the maritime industry, that exists and works for studying, developing and establishing rules of and for the nations, actively trading overseas. Some of such rules takes shape of International Conventions and are becoming commonly recognizable. Even some resolutions, issued by IMO’s committees, are mandatory for adoption and implementation. Looking back and studying the role of IMO, Flag State and Port State institutes for controlling the international shipping, one can see the long and hectic passage national legislation of the maritime countries has done in the last centuries, and especially in the decades after II World war.

Having much in common with maritime transport, inland waterway transport is a separate area where national laws and regulations still prevail.

In countries of River Rhine Commission, in EU, a documentary system of regulation for inland waterway shipping falls under Central Commission on Navigation on River Rhine (CCNR). Area or scope of such regulation includes blocks:

- Police regulations for the navigation of the Rhine (RPR);
- Radio-communication guide for inland navigation;
- Regulations for Rhine navigation personnel;

- Rhine vessel inspection regulations (RVIR).

Finland as European Union (EU) member state has regulation in the field of inland shipping based partly on national documents, and partly on European Union requirements.

Russia historically has also own (national) approach and set of rules for inland shipping regulations, and some of its provisions has common issues with the similar of many foreign river transport nations but some are different.

Russian Federation and Republic of Finland has common asset as Saimaa canal and both countries are interested to develop transportation using advantages of maritime and inland shipping. Saimaa canal goes cross border as well through Russian territory, so legislative differences in one way or other may affect the Saimaa canal shipping but mostly it affects now a potential admission of Finnish (EU or any foreign flag) shipping to Volgo-Balt (Russian) inland waterways.

Hence Partners of the INFUTURE project think that it is important to remind to Finnish (EU) logistics companies, ship crewmembers and shipowners/operators a bit more about Russian legislation, regulating inland shipping, and what is going on in this field. Deeper view on the problems hindering progress shall facilitate finding new approaches to harmonized rules in inland navigation and wider use of inland waterways in logistics between Finland and Russia. In larger scale this pattern could probably be used as well beyond the bordering areas under study.

Authors carried this study out within the framework of the section WP1.2: “Study of regulations related to international and cross-border transportation between Finland and Russia by inland waterways”. The study is complementary to the ones planned and done for the first working package of the “Future potential of inland waterways, (INFUTURE)” project.



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## **1. WHAT IS A REGULATION? THEORETICAL APPROACH TO THIS STUDY**

Our study will focus on transport and production industry and this is no coincidence. Although transport, is having its specific features, in general also is a branch of production. Cargo waterway transport, in particular, belongs and bound to the industrial production, for which the tasks of satisfying consumer demands are always relevant.

Since the middle of the 20th century, all elements of production have been considered from the standpoint of a systems approach, which says that everything around us is part of systems. A system is a set of interconnected elements that form a single whole and interact in a certain way to achieve a specific goal. These structural elements are called subsystems - parts of the system that are distinguished according to some benchmarking/criterion, having specific features and connections with each other.

A system approach to management has long become a fashionable phenomenon, and this should not be surprising, since the production of sophisticated products requires the development of more complex technological processes, higher qualifications of personnel, precise information flows, etc. System analysis allows companies to improve existing, or stimulate the development of new systems at a qualitatively higher level [1].

Management is clearly central body to the transportation or production system. Management is a symbiosis of art and science, necessary for organizing the activities of personnel in such a way as to ensure the optimal use of all available resources, the task of which is to achieve the intended goals (reflected in company policies, plans, etc.). The management process consists of four main stages (functions) - planning, organization (acting), control and regulation, which are cyclically repeated in the production/transportation process at all levels of the company (see Table 1).

Table 1.

Regulation among Management functions, its tasks and results, [1]

Management stages and their corresponding management functions	Tasks to be solved at this stage	Results of the implementation of the management function
Planning	Drawing up studies, forecasts, policies, plans and programs for the company activities (a set of their divisions), holdings	Planning documents for transportation/production and technical and financial and economic activities for various periods of time in the future
Organization (action)	Formation of production/transportation units, formation of management units, establishment of relationships between them, organization of interaction	The production/transportation structure of the company (or their holding), the organizational structures of management systems and their corresponding regulations, instructions and other documents
Control	Recording the progress of the fulfillment of planned tasks and results of activities for the planned periods, comparison with the set indicators, analysis of the reasons for the discrepancy between the planned and actual data, the development of solutions to eliminate the discrepancies	Reporting documents, documents containing an analysis of the activities of the company, management decisions

	Maintaining the indicators monitored during production at a given level	Ensuring the continuity and smoothness of the transport/production process, its maximum compliance with the planned indicators
<b>Regulation</b>		

Each of the processes has its own tasks and results of the implementation of management functions.

The management system consists of two parts: managed/controlled and management/control subsystems (see Fig. 1). Technically speaking the management element, through the «feedback» mechanism, analyzes the output information about the characteristics of the managed or controlled system, comparing it with the specified parameters, makes corrective and regulative actions on the input, output, or on the production process (controlled system) itself [1].

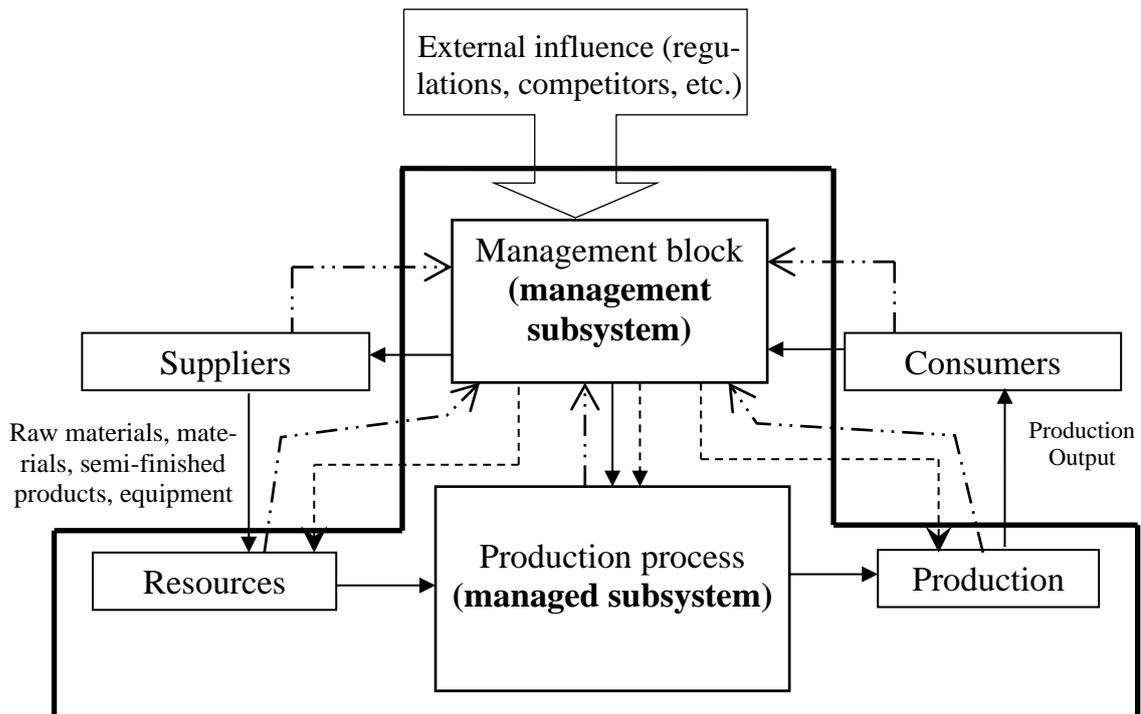


Figure 1. Theoretical model of the management system

In some extent all four main management functions (Table 1) overlapping or supplementing each other, that is the reason for which experts often use organization, control and regulation as synonymous terms to the management in the scale of the single company. At this level the regulation is the function of particular board or department (depending of the organizational chart) ensuring through internal company documents the steady work of the units and the company as a whole. This theory is fair enough either we talk about linear or functional managerial interactions in the company.

What is the regulation when one analyses the industry and processes arises from interaction between companies and upper bodies like associations or even ones at governmental, ministerial level in the country? Obviously official bodies in any country are authorized to carry the functions of control and regulation over the industry they supervises upon. Looking once again at the Figure 1 we can see that the place of such upper official bodies is literally above the companies at the level of other industries ministries and agencies. Transport ministry (or similar one) can effectively manage an impact externally in regard of the transport market, transport modes and its subsystems throughout the national regulatory functions when self-regulatory within the industry is not enough.

Other definition of regulation can be found in different sources, including very common dictionaries or internet platforms. Some of them are again overlapping the meanings, saying that e.g. "...Regulations are rules made by a government or other authority in order to control the way something is done or the way people behave". Or "Regulation is the controlling of an activity or process, usually by means of rules" [2]. Those two terms above are too simplifying the problem, replacing one managerial function by another or mixing them.

But even the Wikipedia and YouTube can offer also a thoughtful meaning of regulation term, most likely because it is absorbed the core of different science sources and practical views on the issue [3]:

“Regulation is an abstract concept of management of complex systems according to a set of rules and trends. In systems theory, these types of rules exist in various fields of biology and society, but the term has slightly different meanings according to context. For example:

-in biology, gene regulation and metabolic regulation allow living organisms to adapt to their environment and maintain homeostasis;

-in government, typically regulation means stipulations of the delegated legislation which is drafted by subject-matter experts [citation missed in the source] to enforce primary legislation;

-in business, industry self-regulation occurs through self-regulatory organizations and trade associations which allow industries to set and enforce rules with less government involvement; and,

-in psychology, self-regulation theory is the study of how individuals regulate their thoughts and behaviors to reach goals” [3].

Except maybe for the “abstract” term all other wording in the abovementioned is worth to be referred as quite established. From official point of view regulatory functions responds on issues that are more practical rather than just abstract.

From this position a regulatory function when managing the branch or a country’s economy is well formulated by B. Orbach: “State-mandated regulation is government intervention in the private market in an attempt to implement policy and produce outcomes which might not otherwise occur...” [4]. This scientific work in our opinion is one of the brightest on the problem of state regulation.

Being at the state permanent economic reforms for about thirty years now Russian Federation in every field gradually prevailing practices of state regulation, ahead of reaction from the business, which is in some measure unavoidable for the

economy in transition. That is why some experts in Russia says that the “...need for state regulation in the field of inland waterway transport (IWT) comes out from the very nature of transport in general, but at the same time a structurally complex communication system. Moreover, the need for transport state regulation is also appeal to the fact that transport historically could not form otherwise than in the form of a fairly highly monopolized industry. This is especially true for Russia with a strong tradition of centralization in management transport links, the roots of which lie in the long-term dominance of extensive methods of development in the economy in general” [5]. As we will see later the rules for the domestic river transport is almost entirely related with the legal array of administrative law - the element of regulation activities by executive authorities. For industry regulations characterized by evident high degree of hierarchy, the main method of regulation is imperative.

In Russia the inland waterway transport, as a mode and branch of a unified transport system, necessarily assumes the existence in the system of national law of a specific basic legislative set of documents that regulates this mode of transport. This set of regulatory documents includes different level documentation for the strategic development and operation of inland waterway transport [6].

The legislative documentation for the inland waterway transport is a subject of issuance of specific governmental bodies in regard of industry infrastructure – the artificial canals, and natural waterways, locks, other hydrotechnical sites, ports, fleet and shipyards with their system/subsystem elements, like crewing and marine/maritime/inland navigation education and training; commercial, technical and safe operations, etc.

The terms «legislative» or «legislation» is used in this study and in Russian legal system in a broad sense, with the inclusion of by-laws. In fact, the set of documents for industry management and regulation contains a list of types of sources of legislation about inland waterway transport activities.

So, important further in this study also the participants of regulation – its initiators and providers – state organizations and companies involved in this endless procedures at every managerial level.

## **2. RECENT ORGANIZATIONAL SYSTEM FOR REGULATION OF INLAND WATERWAY TRANSPORT**

Inland waterway transport (or River transport) is one of the main modes of transport of the many countries worldwide. However not all countries of the world can have it because they may not have natural (rivers and lakes) or artificial (canals) inland waterways. The true also is that there are not so many countries in the world, which can have inland shipping, calculated in million tons of cargoes carried annually. Russia and Finland have achieved these figures and are developing its inland waterway (IWW) networks to support inland waterway transport as one of the beneficial modes.

Saimaa Canal has been built in XIX century when Finland was part of Russian Empire. Despite the fact that the Saimaa Canal was and remains a relatively short inland waterway, but the idea, the design and its performance were unique, and the canal from the beginning gained a commercial fame linking together important trade cities and its countries located in the Baltic Sea area and beyond. After the Word War II, the canal has been reconstructed considerably, answering the needs of both countries communities and economies. Depths and widths of the locks were increased as well as fairways allowing serving bigger vessels to pass through for the benefits of Finland Republic and Soviet Union. Statistics of the Saimaa canal shows that it has throughout capacity of 2 or even 2.5 million tons and thousands of passengers doing Finland every year by water.

Russia historically has to have and develop its inland waterways connecting industrial hinterland regions with seaside ports. A real breakthrough has happened during the period of after Great Patriotic War and Word War II. By 1980ties Soviet Union has achieved very strong progress in river fleet development that has become possible to the same progress in inland waterways building and reconstruction. Total

length of the navigable IWWs has reached 100 thousand km and it would not be too much to say – the biggest inland waterway network by its length in the world. Despite of the difficult times for modern Russian Federation started from 1990ties almost half of the IWWs has remained its status of deep fairway with guaranteed depths. Especially this is important in European part of Russian IWWs, at unified deep waterway where depths had to be reach 4.0 m, but stayed at 3.6 m (Figure 2).

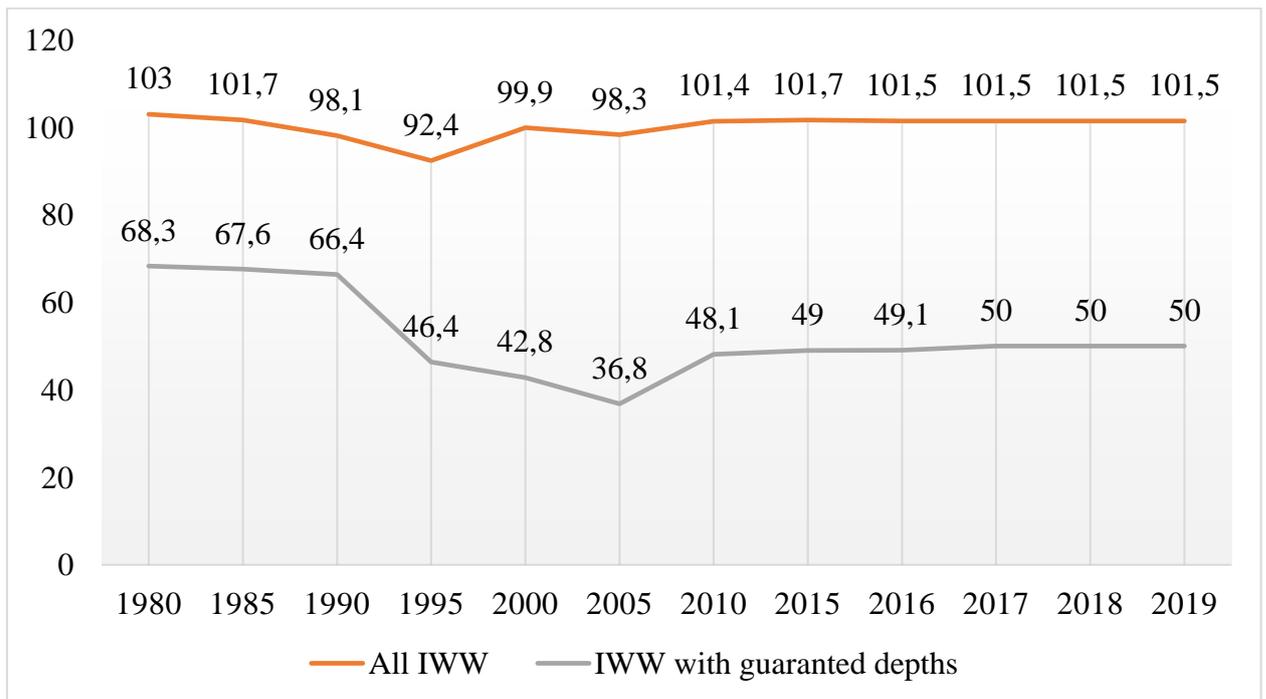


Figure 2. Development of the IWWs in Russia for the period 1980-2019, thousand kilometers

Traditionally in Russia there operated a river fleet as different transport mode from maritime one, so that there were two different ministers – the Ministry of River Transport and the Ministry of Maritime Fleet in Soviet Union.

Now Ministry of Transport of Russian Federation (Mintrans of Russia, <https://mintrans.gov.ru/ministry>) is a governing body for inland and maritime shipping that replaced two different Ministries. The head (the Minister) of the Ministry of Transport of Russian Federation is appointed by the President of Russian Federation, formally after proposition made by the Prime Minister. Usually a Minister of Mintrans of Russia represents one of the main transport branches of the transport

industry and sporadically each transport mode get its person to take highest position in the transport business. Informally it reflects the measure of influence one of the mode has over others in the modern history of Russia, and the expectations of the President, the Government, investors and other economy branches from transport community and its priorities.

The Transport Ministry always has in its structure one of the Deputy Ministers responsible for a specific transport branch (mode of transport). But Minister or Deputy Ministers functionally do not do a state policy themselves – for these purposes in the structure of the Ministry it laid upon a State Policy Department, e.g. ...for maritime and inland shipping. Each Deputy Ministers acts through branch ministerial Directorate, e.g. to the shipping business through the Department of the State Policy for Maritime and Inland Transport (see Figure 3), or through branch organizations appointed by the Ministry.

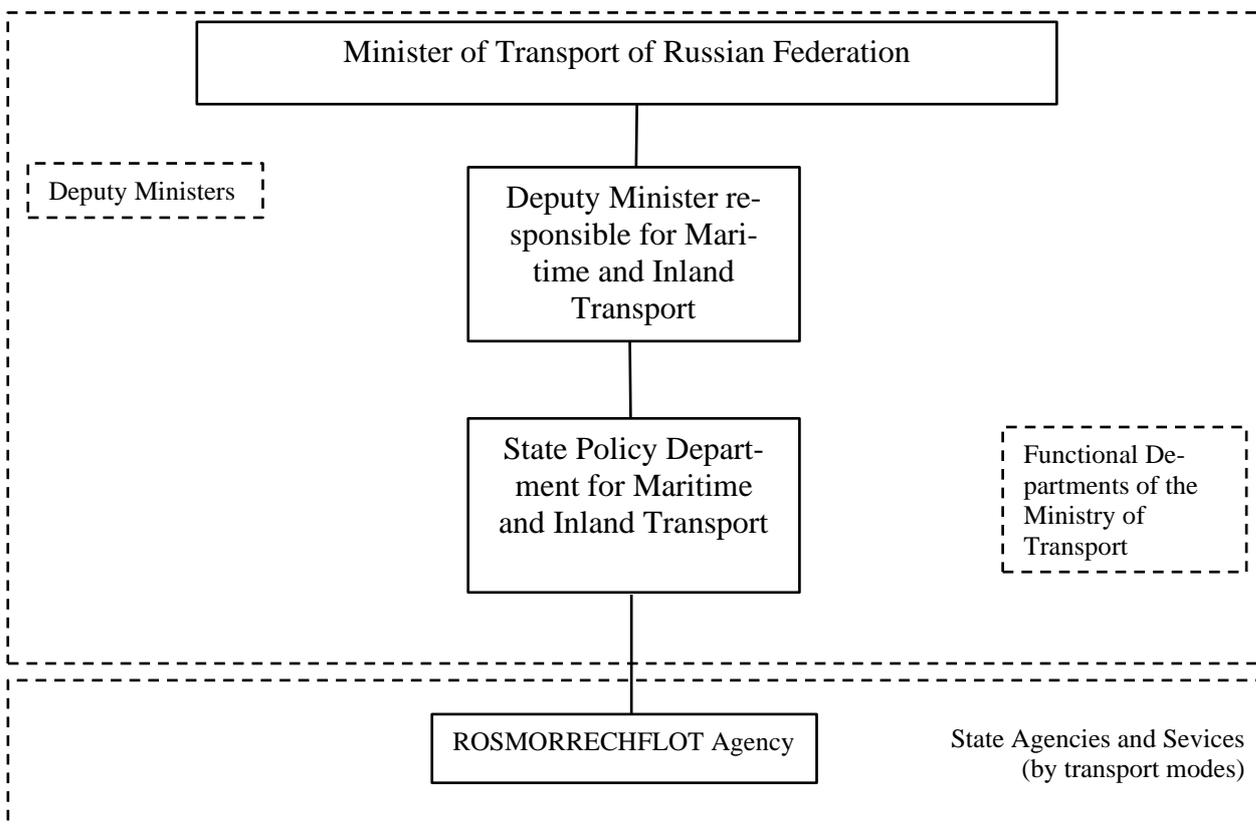


Figure 3. Slice of the organizational chart of the Ministry of Transport of Russian Federation: state decision-making bodies for maritime and inland transport

The Ministry of Transport of Russia is a federal executive body in the field of transport, including for the functions of generating state policy and legal regulation in the field of inland waterway transport, operation and safety of navigable hydraulic structures, providing transport security. In overall, the Transport Ministry of Russian Federation acts as executive federal body empowered over transport industry, fulfilling following functions:

- forms and implements the state policy functions for maritime transport and for inland waterway transport (as well as for railway transport, for road transport, for city electrical and for industrial transport, as well as for road construction and maintenance);
- provides safety functions for navigable hydrotechnical sites and transport safety in general;
- organizes the registration of IWT vessels and activities under the licensing of inland waterway transport activities (provides as well state ownership registration on airplanes (air transport mode));
- provides of road traffic organization and control (road transport mode);
- supervises the activities of the regional bodies of the Ministry of Transport of the Russian Federation and related enterprises in the field of inland waterway transport;
- organizes control over the operation of inland waterways;
- coordinates the interaction of Marine Administrations and river Basin Administrations with other modes of transport.

In other words, the Ministry of Transport of the Russian Federation carries out basic, fundamental functions of state administration in inland waterway transport. The Ministry of Transport of the Russian Federation carries out their functions in legal and organizational forms, while interacting with other federal executive bodies, executive authorities of the integral entities of the Russian Federation, local self-government authorities, public associations and organizations.

The Ministry of Transport includes several Agencies and Services each of state importance and acting as functional department through which the state policy is technically provided to specific transport branch. These Agencies are representing a specific mode of transport or service provided. One of them engaged into maritime and river transport is Rosmorrechflot (<http://morflot.gov.ru/>).

So the Ministry of Transport of Russia coordinates and controls the activities linked to him bodies including:

1) Federal Agency for Maritime and River Transport (Rosmorrechflot) that is a federal executive body/authority performing functions of providing public services and management of state property in the field of maritime (including seaports, with the exception of sea terminals intended for complex servicing of vessels of the fishing fleet) and river transport, as well as functions for the provision of public services in the field ensuring transport security in this area (see also Resolution of the Government of the Russian Federation as of 23.07.2004 №371 “On approval of the Regulations on the Federal Agency for Marine and River transport”);

2) Federal Service for Supervision on Transport - Rostransnadzor, that is the federal executive body/authority exercising functions of control (supervision), also in the field of inland waterway transport (excluding small crafts used for non-commercial purposes), and also ensuring transport security in this area (see also Resolution of the Government of the Russian Federation as of July 30, 2004 №398 “On approval of Regulations of the Federal Service for Supervision on Transport”).

More information on the role and activities on the Federal Agency for Maritime and River Transport is given further in the separate chapter of this study.

Except for the agencies and services there are several independent organizations directly bound to the Mintrans of Russia. The list of such organizations consist of following:

-Russian University of Transport (MIIT, <https://www.miit.ru/>);

- Russian Road Research Institution (<https://www.rosdornii.ru/>);
- Russian Maritime Register of Shipping (<https://rs-class.org/>);
- Russian River Register of Shipping (<https://www.rivreg.ru/>);
- Agency of the Road Transport (<https://rosavtotransport.ru/ru/>);
- Research Center for Complicated Transport Problems of the Ministry of Transport of Russian Federation (<http://mintrans.org/ru/>);
- Directorate on construction and operation of the state border infrastructure, Rosgranstroy (<https://rosgranstroy.ru/>);
- State Research Institution of the Air Transport (<http://gosniiga.ru/>);
- State Enterprise on transport information safety (<https://www.z-it.ru/>);
- Department of Branch external guard of the Ministry of Transport of Russian Federation (<http://uvomintrans.ru/>);
- Directorate of the State bidder for implementation of the Federal target program “Modernization of transport system of Russia” (Rostransmodernization, <http://ppp-transport.ru/ru/>).

Scale of this study does not allow us to put in here and mention all other organizations that directly interact with Rosmorrechflot and Ministry of Transport of Russian Federation. Easier to sum up that almost all leading companies of the industry indirectly interact with these governmental bodies and obliged to fulfill prescriptions born from its legislative/regulative actions. For the purposes of this report, it is important later to make look on at least classification organization - the Russian Maritime Register of Shipping.

The Ministry of Transport of the Russian Federation, its mentioned structural subdivisions and subordinate organizations/bodies comprises the largest share of by-laws in the field of inland waterway transport.

Legal acts of the Ministry of Transport of the Russian Federation are of a prescriptive nature - they are applicable to all inland waterways, to all persons/entities whose activities are related with IWT. These acts are not personified, they are

designed for an indefinite number of situations aimed at regulation stable array of public relations - these are the signs in theories of law are distinguishing a normative legal act from an act application of the law, [6].

The forms of these acts of the Ministry of Transport of the Russian Federation are different. These can be rules as well as orders. For example, the “Rules of Navigation for IWW of the Russian Federation” [6].

List of specific activities for which the Ministry of Transport of the Russian Federation accepts and approves legal acts, in this study is not exhaustive and it is unnecessary, since the Ministry of Transport of the Russian Federation adopts regulations practically about all types of operations in inland waterway transport and about the usage of IWW infrastructure.

### 3) ROSMORRECHFLOT AGENCY RESPONSIBILITIES IN REGULATION OF INLAND WATERWAY TRANSPORT

Rosmorrechftot or Federal Agency for Maritime and River Transport is a state executive body, functioning as a provider of state services in the fields of

- federal property management;
- law implication/regulation in maritime and river transport, including sea fishing ports for the transport industry development;
- representation of the engaged State Authority on behalf of the Government of Russia in regard of maritime and inland transport followed by international agreements between Russian Federation and other states.

The last field of duty of the Agency concerns mostly services provided from the (Flag-) state or again in regard of the federal property management.

Rosmorrechflot Agency covers many aspects of professional regulation activities both originated from international law (agreements of Russian Federation with foreign countries) and from national law.

One cannot analyze inland waterway industry completely ignoring maritime industry and vice versa. Therefore studying the place and role of Rosmorrechflot Agency in the organizational structure of the Ministry of Transport of Russian Federation, one should to notice that there are several main fields of activities the agency supervise from the federal government in the industry:

- Maritime Transport;
  - Ports and Marine Fairways;
  - Marine Communications;
  - Inland Waterways;
  - Professional Education,
- and some others.

The Federal Agency for Maritime and River Transport carries out powers of the competent authority in the field of maritime and inland water transport to fulfill obligations arising from international treaties of the Russian Federation, in terms of performing the functions of providing state/public services and state/public property management.

In accordance with activities above of the Rosmorrechflot Agency, there several groups of organizations are within its jurisdiction:

1) Federal State Unitary Enterprises, e.g.:

- Federal State Unitary Enterprise “Rosmorport” (<https://www.rosmorport.com/>);

- Federal State Unitary Enterprise “Morsviazsputnik” (<https://www.marsat.ru/en>);

- Federal State Institution for Executions of the Functions of the Commissioner of the Russian Federation for the Saimaa Canal, FGU “Saimaa Canal”;

- FGBU “Northern Sea Route” (<http://www.nsra.ru/en/home.html>)

2) Eight Sea Port Administrations – in the areas of West Arctic, Baltic Sea, Azov Sea, Black Sea, Caspian Sea, Primorsky region and Eastern Arctic, Ohotskoye Sea and Tatar Strait, Sakhalin, Kuril Islands and Kamchatka;

3) Fifteen State Basin Administrations of the Inland Waterways - in the areas of Volgo-Don, Volgo-Balt, White-Sea and Onega, North Dvina, Pechora, Canal of Moscow, Kama, Volga, Azov-Don, Ob-Irtysh, Ob, Yenisei, Baykal-Angara, Lena, Amur;

4) Five Professional Universities:

-Admiral Makarov State University for Maritime and Inland Shipping (<https://gumrf.ru/>);

-Admiral Ushakov State Maritime University (<http://www.aumsu.ru/>);

-Admiral Nevelskoy Maritime State University (<http://www.msun.ru/>);

-Volga State University of Waterway Transport (<http://vsuwt.ru/>);

-Siberian State University of Waterway Transport (<http://www.ssuwt.ru/>).

In the maritime and river transport it is necessary herewith to focus more clearly activities of Rosmorrechflot as the examples of main directions for regulation. In the field of maritime transport there are following regulatory directions:

- Control of the activities of the Sea Port Administrations;
- Issuance of permits for sailing in cabotage;
- Marine searching, salvage and rescue;
- Oil spills responses;
- Certification of the teams for marine searching, salvage and rescue and oil spills responses, including holding of the register (the list) of such certified teams;
- Holding of the register (the list) of sea lines;
- Conclusion on the drills fulfilled by the companies responsible for oil spills response;
- Issuance of exemptions for the vessels;
- Port state control;
- Certification of the sea vessels crew members;
- Ice navigation/breaking services;
- State registration of the sea vessels and ownership rights, holding of the state register of the vessel's ownership.

In the field of river or inland waterway transport there are following regulatory directions of Rosmorrechflot Agency:

- Control of the activities of the State Basin Administrations of inland waterways;
- Certification of the inland vessels crew members;
- Spatial Data Fund for state electronic charts of navigable inland waterways;
- Inland Waterways and Hydrotechnical sites;

- Port State Control on inland waterways;
- Projects of development in inland waterway transport.

In the field of maritime and river ports there are following regulatory directions of Rosmorport Agency:

- Projects of development in maritime transport;
- River Ports listing;
- Port Services;
- Sea Ports listing;
- Marine Bunkering companies listing.

In the field of maritime education and training there are following regulatory directions:

- Professional Universities recognition and listing;
- Certification of the Training Centers;
- Control over training vessels operations.

Need to be added here that in the field of inland waterway transport, regulation (but no management) might be carried out as well by some other executive authorities in Russia. The functions of such group of bodies are not aimed at direct regulation of the transport industry, but are designed to ensure its functioning in full compliance with the specifics and rules of other areas of life, functioning institutions of society and the state itself. These constitute the subject for direct regulatory and management impact of the bodies, belonging to this group. This, in principle, should be fundamental in regulation, experts says "...- relations in need of regulatory impact from the relevant authorities, have a sign of consistency, as a result of which the systemic nature of the regulation itself must be sustained, otherwise the inconsistency in regulation will inevitably lead to an escalation of destructive regulatory trends" [6].

For example, the Ministry of Natural Resources of the Russian Federation and its structural divisions develop and approve standards for maximum permissible harmful impact (MPI) on the aquatic environment, which must be observed by all IWT organizations as water users. Federal Service for State Registration, Cadaster and Cartography is in charge of organizations that contract hydrographic works on inland waterways [5,7].

So, other executive authorities participating in regulation of relationships in inland waterway transport also have their own management impact areas, and inland waterway transport falls into their field of action indirectly.

#### **4) INTERCONNECTION OF RUSSIAN NATIONAL LEGISLATION AND INTERNATIONAL. SOURCES OF LEGISLATION FOR REGULATION**

In spite of national character of inland waterway transport in Russia, Finland or many other countries, this industry has relations with international legislations with some degree.

In accordance with the Constitution of the Russian Federation, generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If an international treaty of the Russian Federation establishes rules other than those provided by national law, then the rules of the international treaty apply [8].

Talking about river law we cannot ignore a maritime law. Russian legislation for waterway regulation is closely interconnected with the sources of international law, primarily with the 1982 UN Convention on the Maritime Law (Law of the Sea), to which Russia is also a party. An important advantage of this fundamental international treaty is a sufficiently detailed definition of the legal regimes of internal sea waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf, high seas. In essence, the named Convention is a key act of international maritime law [8].

At the interstate level, the so-called international river law operates - a set of legal provisions that determine the status of water bodies and waterways (fairways) located on the territory of two or more countries. It covers relations on the research, usage and protection of large and small, natural and artificial water bodies or entire waterway systems (river basins, etc.). One of the main acts of international river law is the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, ratified by Russia, signed in Helsinki in 1992. The Convention

covers many important issues related to the use and protection of waters, including exchange of information, joint scientific research, coordination of water management and water protection measures preventing any negative transboundary impact (water pollution, harm to the natural environment, etc.) [8].

In the abovementioned Convention, one can see following regulations for example in regard of ecological issue for transboundary waterways, like Saimaa Canal.

...“The Parties shall take, in particular, all appropriate measures:

- to prevent, control and reduce water pollution that has or may have a transboundary impact;

- to ensure the use of transboundary waters for the purpose of ecologically sound and rational management of water resources, their conservation and protection of the environment to ensure the use of transboundary waters in a reasonable and equitable way, taking into account their transboundary nature when carrying out activities that have or may have a transboundary impact;

- to ensure the conservation and, when necessary, restore ecosystems.

Measures to prevent, control and reduce water pollution are taken as far as possible at the source of pollution. These measures should neither directly nor indirectly lead to the transfer of pollution to other components of the environment.

When implementing these measures, the parties are guided by the following principles:

- the principle of taking precautionary measures, in accordance with which measures to prevent the possible transboundary impact of the leakage of hazardous substances should not be postponed on the basis that scientific research has not fully established the extent of the causal relationship between these substances, on the one hand, and the possible transboundary impact, on the other;

- the “polluter pays” principle, according to which the costs of pollution prevention, control and reduction measures are borne by the polluter;

- water resources are managed in such a way that the needs of the present generation are met without compromising the ability of future generations to meet their own needs” [5].

Other important legal document of international character in the field of inland waterway transport is European Agreement on Main Inland Waterways of International Importance (1996). After 1991 European countries were developing new strategies for the network of transport system especially focusing on Rhine – Main – Danube waterway. And by 1996 the new document has been worked out to categorize all the waterways of united European states. Russia also joined to and takes part in this Agreement.

Quote from this Agreement: “...Guided by the European Agreement on Main Inland Waterways of International Importance (1996), the Contracting Parties accept the provisions of the Agreement as an agreed plan for the development and construction of a network of inland waterways, referred to as the “network of inland waterways of international importance” or “network of waterways paths of category E”, which they intend to carry out within the framework of their respective programs. The waterway network of category E includes inland waterways and ports of international importance, which are indicated in the annexes to the Agreement...” [9].

Main inland waterway of Volgo-Balt is also part of the international importance waterways.

However inland waterways of Russian Federation has not become so open for the international shipping, as it may be desired or seemed from the international agreement. Domestic regulation in this field still prevail being at the same time very inconsistent and unsystematic. This coupled with geographical and navigational limitations made the industry lacking of funding for keeping the paces of the development enough for national and foreign shipping interests.

Nevertheless, let us see on what are the so-called sources of Russian legislation in the field of inland waterway transport.

Surely, the main and decisive position in relation to all other sources of law is occupied by the Constitution of the Russian Federation as the Basic Law of the state. Some law experts says that formally the Constitution is the highest-level source of national river law, acting as a legal basis for its development. At the same time, the Constitution contains provisions that are directly related to transport. For example, the Constitution of the Russian Federation (Art. 71) assigns the management of federal transport and communication routes to the jurisdiction of the Russian Federation. This provision is fundamental in the legal regulation of transport activities.

After the Constitution, which is declarative document, goes also important and more practical source of river law - the Civil Code of the Russian Federation. In accordance with Article 2 of the Civil Code of the Russian Federation, civil legislation regulates contractual and other obligations, as well as other property relations, i.e. The Civil Code, in essence, is a document that has, in a certain part, general significance for codified and complex transport acts.

This document contains in a separate chapter (Chapter 40) the concentrated norms governing the main provisions for transportation in general: on the contract for the carriage of goods and passengers, loading and unloading of cargo, liability of carrier, claims and lawsuits, etc. In the transport sector, property relations are governed by Articles 784 - 800 of Chapter 40 "Transportation", Articles 801 - 806 of Chapter 41 "Transport expedition", Articles 632 - 649 of Chapter 34 "Lease" and by many other articles of the Civil Code of the Russian Federation [8].

The Code of Inland Water Transport of the Russian Federation (CIWT) entered into force in 2001 and brought the legal framework of the Russia's river transport in line with the requirements of market relations. Because by that time the former USSR IWT Charter was estimated as a product of administrative/command economic system and ensured the implementation of state plans for the transportation of goods [8].

One of the comprehensive comments about transport legislation in Civil Code gives V.A. Egiazarov, [5]. He says "...it should be borne in mind that the Civil Code is a sectorial and civil codified act, and the Code of Inland Water Transport (other transport codes) is a codified act of a complex nature, containing not only the civil law norms, but also norms of other branches of law. Studying closely at the content of the norms/provisions and acts that make up the legislation on Russian transport, it shall be noticed that most of them belong to civil, administrative, financial, environmental and other branches of law and legislation".

The CIWT of Russian Federation itself, acting as a codified legislative act, regulates, in the most detail, issues related to activities in the industry of inland waterway transport.

Among Federal laws relating to activities in inland waterway transport are:

- the Federal Law №117-FZ "On the safety of hydraulic structures" of 21.07.97;
- the Federal Law "On the Privatization of State and Municipal Property" dated 21.12.2001 №178-FZ (last edition).

The issues raised on rent payment for land occupied by organizations of IWW Basin Administrations are regulated by the Land Code of Russian Federation.

Among the regulatory legal acts of the Government of the Russian Federation can be called, for example, the "List of Inland waterways of the Russian Federation", approved by the order of the Government of the Russian Federation of 19.12.2002 №1800-R.

A separate chapter in this study highlights the main issues of the Code of Inland Water Transport of the Russian Federation.

Among the sources of so-called river law (analogy of maritime law) we can find a bunch of different legal documents. Sources of river law are also by-laws, which can be divided into three groups:

- decrees of the President of Russian Federation;
- resolutions, orders, decrees of the Government of Russian Federation; and
- instructions, regulations and rules emanating from ministries and departments.

So initially but additionally should we mention such source of legislation as Presidential decrees, regulating the most important although specific areas of transport relations:

- Decree of the President of the Russian Federation of July 7, 1992 “On compulsory personal insurance of passengers” (as amended by the Decrees of the President of the Russian Federation of April 6, 1994, July 22, 1998);

- Decree of the President of the Russian Federation of April 6, 1994 “On the main directions of state policy in the field of compulsory insurance”;

- Decree of the President of the Russian Federation of October 2, 1998 “On the approval of the Regulations on military transport duties”;

- Decree of the President of the Russian Federation of August 16, 2004 “Issues of the Ministry of Defense of the Russian Federation” (as amended on August 10, 2011 №1081);

- Decree of the President of the Russian Federation of July 18, 2005 “On the procedure and conditions for business travels of federal civil officials”.

In addition to the documents above, there are following sources for regulation of inland waterway transport formed in the acts of the Government and ministries of Russian Federation:

- Order of the Government of the Russian Federation of December 19, 2002 №1800-r “On approval of the List of inland waterways of the Russian Federation” (as amended on July 7, 2005);

- Order of the Ministry of Transport of Russia of December 5, 2002 №155 “On licensing certain types of activities in inland water transport”;

- Order of the Ministry of Transport of Russia of December 24, 2002 №158 “On approval of the Fire safety rules on the ships of inland water transport of the Russian Federation” (as amended on April 22, 2003);
- Decree of the Government of the Russian Federation of February 6, 2003 №71 “On approval of the Regulation on special conditions for the use of the coastal strip of inland waterways of the Russian Federation”;
- Decree of the Government of the Russian Federation of February 6, 2003 №72 “On approval of the Rules for the provision of services for the carriage of passengers, baggage, cargo for personal (household) needs by inland waterway transport” (as amended on January 18, 2007);
- Order of the Ministry of Transport of Russia dated September 30, 2003 №194 “On the approval of the Instruction for recording income and expenses for ordinary activities in inland water transport”;
- Order of the Ministry of Transport of Russia of November 2, 2003 №195 “On approval of the Regulations on the procedure for assigning names to ships of inland water transport”;
- Resolution of the Government of the Russian Federation of May 31, 2005 №349 “On approval of the Regulations on certification of crew members of inland navigation vessels”;
- Resolution of the Government of the Russian Federation of November 21, 2005 №690 “On approval of the Regulation on the protection of navigable hydraulic structures and aids to navigation equipment”;
- Decree of the Government of the Russian Federation of August 13, 2006 №490 “On licensing certain types of activities in sea and inland water transport”;
- Order of the Ministry of Transport of Russia of January 16, 2006 №7 “On approval of the List of basin governmental bodies in inland waterway transport, where qualification commissions are created”;
- Order of the Ministry of Natural Resources of Russia dated July 4, 2007 №169 “On approval of Methodological instructions for the development of plans for the integrated use and security of water structures”;

- Resolution of the Government of the Russian Federation of February 16, 2008 №85 “Regulation on obtaining a permission for the right of foreign flag vessels to navigate on the inland waterways of the Russian Federation”.

- Decree of the Government of the Russian Federation of April 2, 2008 №233 “On the conditions of navigation on the inland waterways of the Russian Federation of naval ships, border guard ships, naval auxiliary ships and other vessels of state or municipal ownership and operated only for non-commercial purposes”.

In 2008, by Decree of the Government of the Russian Federation of April 23, 2008 №293, following documents were approved:

- the “Instruction on state regulation and control of prices (tariffs, fees) for the services of natural monopoly entities in transport terminals, ports, airports and services for the usage of inland waterways infrastructure”;

- the “List of subjects of natural monopolies services in river ports, prices (tariffs, fees) for which are regulated by the state”;

- the “List of subjects of natural monopolies services for the usage of the infrastructure of inland waterways, prices (tariffs, charges) for which are regulated by the state”;

- Order of Rostransnadzor dated 08.24.2012 №AK-432fs “On Approval of the Regulations on the Department of State Marine and River Supervision (of the Federal Service for Supervision in the Transport Industry)”, [10].

- Decree of the Government of the Russian Federation of April 27, 2017 №502 “On approval of the Rules for the provision of subsidies from the federal budget to Russian organizations to reimburse part of the cost for purchasing (building) new commercial vessels to replace scrapping vessels”, [16].

The sources listed here above are in a strictly legal sense. Some authors in theory equate such sources with forms of law, while, for example, the material sources of the provisions of the CIWT are those economic conditions, the presence

of which determined the adoption of the relevant legal provisions. Here, in fact, experts judge “...we are talking about the sources of legislation, and not law, since the branch of transport law in our country has not yet taken shape of the final form” [5, 10].

## **5) THE CODE OF INLAND WATERWAY TRANSPORT OF RUSSIAN FEDERATION AS MAIN REGULATING DOCUMENT IN THE INDUSTRY**

Code of Inland Waterway Transport of Russian Federation has been adopted by Duma and Federation Counsel in February 2001. A constant activities are taking place every year in different fields of the industry providing the regular modifications in the initially adopted document and recently a CIWT version of June 2020 is available.

There are 18 Chapters in the CIWT of current edition:

Chapter 1 General provisions (articles 1-6);

Chapter 2 Inland waterways (articles 7-12);

Chapter 3 Vessel (article 13-14);

Chapter 4 Ownership of the vessel, state registration of vessels and rights on them, registration for floating objects (articles 15-25);

Chapter 5 Crew of the vessel (article 26-33);

Chapter 6 Safety of shipping (articles 34-41);

Chapter 7 Indemnification for loses from vessels collisions (articles 42-44);

Chapter 8 Drawn/salvaged property (articles 45-52);

Chapter 9 Ports (articles 53-59);

Chapter 10 Charter of the vessels (articles 60-65);

Chapter 11 Cargo carriage (articles 66-87);

Chapter 12 Towing of vessels and floating structures (articles 88-94);

Chapter 13 Transportation of passengers, their luggage and postal items (articles 95-103\_1);

Chapter 14 Direct and combined cargo transportation (articles 104-114);

Chapter 15 Liability of shipowner, of carrier, of towing vehicleer, of consignor, of consignee, of the sender and the recipient of the towed structure (articles 115-122);

Chapter 16 Salvation of vessels and other property (articles 123-139);

Chapter 17 General Accident/Wreck (articles 140-159);

Chapter 18 Acts, claims and trial actions (article 160-164) [8].

Clause 1 of CIWT of Russian Federation speaks of state regulation, which is a set of measures, carried out in legal and organizational forms in order to give relations on inland waterways the required level of order. It talks about executive authorities, [8].

In this regard, it shall be mentioned that this element of the state regulative mechanism mainly provided through management. The main coordinating body of the executive power in the field of inland waterway transport is the Ministry of Transport of the Russian Federation (see also the Government Resolution of Russian Federation dated 30.07.2004 №395 “On approval of the Regulation on the Ministry of Transport of the Russian Federation”).

Code of Inland Waterway Transport of Russian Federation (CIWT) is designed to perform the functions of industry legislative array. We mentioned earlier the relations arising in the scope of inland waterway transport activities are multifaceted, as a result of which they fall into the field of the regulatory impact of the norms/rules of various branches of law - the CIWT contains the norms of civil and administrative (the largest share), environmental and other branches of law. Due to the peculiarities of the development of branches of Russian law, the transport legislation has been developed, to which the CIWT belongs. But there is no reason to talk about transport law as a branch of law (lack of legislation - these are different social and legal phenomena). Therefore, the CIWT accumulates the norms/rules of institutions of various branches of law, directing their regulatory impact on the activities of legal entities when they come into contact with such a technological complex as Inland waterway transport [11, 12].

This Code governs the relationship arising between organizations of inland water transport of the Russian Federation, consignors, consignees, passengers and other physical and (or) legal entities in the implementation of shipping inland waterways of the Russian Federation, and determines their rights, obligations and a responsibility.

In the CIWT, the subjects for regulation are indicated in an extremely general way - more specifically - they are determined on the form they use/engage the infrastructure of the IWWs. For example, under IWT the organizations should be understood, first of all, shipowners, but when it comes to transportation - the status comes to the fore the shipowner exactly as a party to the obligations of transportation.

One of the subjects also falling within the scope of the regulatory impact of the CIWT is the Federal Service for Supervision of Transport. Like for some other public authorities its status, competence, subjects of jurisdiction and all regulated provisions of such bodies, are given in the CIWT in the relevant framework but only in regard to IWT. Other subjects may include, for example, adjusters in the event of General Accident, Pilots and Pilot organizations, and other entities.

The provisions of the Code of Inland Waterway Transport applies to:

- 1) Inland waterways of the Russian Federation and located on them navigable hydraulic structures, berths;
- 2) Ports located on the inland waterways of the Russian Federation;
- 3) Vessels and floating structures intended for navigation on the inland waterways of the Russian Federation.

As one can see the action of the CIWT in juridical space is not defined in the document as usual - by indicating its territorial limits of the jurisdiction. So, in the Code, only certain parts of the material world are listed, called IWWs, ports, vessels and hydraulic structures. As for the jurisdiction of the CIWT in general terms, its limits are outlined by the State Borders of the Russian Federation.

The term of IWWs is clear given in CIWT. As for navigable hydraulic structures (for example, locks), they did not need a separate mentioning, since they functionally represent an integral part of the IWWs themselves, therefore the provisions of the CIWT should be extended on them.

The full list of hydraulic sites/structures (given in the separate law – the Federal Law of 21.07.97 №117-FZ “On the safety of hydraulic structures”) include, in particular:

- dams;
- buildings of hydroelectric power stations;
- tunnels;
- canals;
- pumping stations;
- shipping locks;
- ship lifts;
- dikes, structures for protection against floods and destruction of banks and the bottom of reservoirs, and other structures.

Directly the navigable hydraulic structures (NHS) include locks, ship lifts, as well as ports hydrotechnical structures (including births). But at the same time, some provisions of the CIWT are applicable to those NHS that are not navigable. For example, the installation on the coastal strip of any permanent lights directed towards the vessel's fairways, with the exception of navigation lights are prohibited. This mandatory rule also applies to activities involving the use of non-navigable hydro-technical structures.

The regulatory impact of the Code is aimed at relations, arising from the use or operation of IWW's infrastructure. The infrastructure of inland waterways - is a integrated technological complex, including

- the waterways themselves; as well as
- ports,

- navigation systems,
- hydrotechnical sites, where the operation of the IWWs is carried out.

Also the effect of the provisions of the CIWT applies to vessels and other floating objects/structures (for example, rafts), operated at the inland waterways of Russian Federation.

One thing about CIWT is worth to be mentioned specifically. One of the articles of Code is specifying that it delimit the areas of regulatory impact of CIWT and Russian Merchant Shipping Code (MSC), depending on the navigational and hydrographic conditions of vessel's navigation and the safety of navigation.

Everywhere navigational and hydrographic conditions are indicated using textual characteristics of the sea (river) and coastal areas with recommendations for navigation based on these characteristics, as well as using a graphic image (chart/map) of the corresponding navigation area. Providing and ensuring navigational and hydrographic conditions is one of the main components of ensuring the safety of shipping. In this sense the term “navigational and hydrographic aid” (NHA) is also used. The main goal of the NHA is to study the seas and IWWs in order to create new and correct existing recommendations (manuals, guides) for navigation and navigational charts. So, in those areas of inland waterways, where the navigational and hydrographic conditions for shipping and ensuring the shipping safety meet the conditions of the maritime regime of navigation (this is the case, for example, in the sections of some northern rivers) the requirements and rules of the Russian Merchant (maritime) Shipping Code are preferable for application, instead of the corresponding rules of the CIWT. For example, the rules of the Russian MSC, which can be applied in the specified areas of the IWWs, are, first of all, the rules regarding “Sea Pilots”, the rules of “Minimum Crew of a Ship” and the “Rescue of Ships and other Property”, as well as the rules on “General Accident/Wreck”. In part, this also includes the rules on compensation for damage in a collision of vessels, [10].

The peculiarity of the legal relations under CIWT is that it makes emphasis on the use/navigation of/on IWWs, i.e. the use of other means of transport is not subject to the norms/provisions of the CIWT. These inland ways are of water nature, i.e. they provide the possibility of movement exclusively for river, and in some cases sea vessels, i.e. allow the use of only waterway transport to move/carry objects. CIWT considers as the IWWs of the Russian Federation both natural waterways and artificially created ones. Natural waterways include those that are created by nature, without active human influence on them, i.e. rivers, lakes, etc. Artificial inland waterways are created with the direct participation of humans and are aimed at providing water communication between individual regions or other localities, for example, canals, reservoirs, etc.

At the same time, the CIWT establishes two essential features/requirements for navigable waterways that can be attributed to the IWWs of RF:

- exclusive federal property, i.e. such waterways/facilities belong to the state, which, as the owner, establishes and regulates the procedure for their use/operation, and first of all, for shipping/navigation on them;

- the presence of navigation signs (aids for navigation) or other means and systems for marking the waterways/facility. These signs and systems allow not only determining the location of the waterway/facility itself, its coast, but also special conditions for navigating along it, for example, shallow water, shoals, etc.

Only if the waterway meets the above specified requirements it can be considered as an inland waterway of the Russian Federation, [8,10].

Experts of the industry law however still arguing some gaps in the CIWT or contradictions in particulars. Unfortunately though in a number of cases there is a contradiction between the norms of the Code and the current civil legislation, which significantly complicates the protection of shippers and consignees of their legal rights and interests.

So for example, Art. 118 of the CIWT provides for a list of circumstances exempting the carrier from liability for non-preservation of the cargo, thus shifting

the burden of proving the carrier's fault on the shipper or consignee. This rule contradicts the general principle of civil law set out in paragraph 2 of Art. 401 of the Civil Code of the Russian Federation. Last establishes that the absence of guilt is proved by the person/transport company who violated the obligation. And also CIWT contradicts to the Art. 796 of the Civil Code of the Russian Federation, which provides for the presumption of the carrier's fault for failure to preserve cargo or baggage. In this regard, it is necessary to review and cite Art. 118 of CIWT in accordance with the rules of paragraph 2 of Art. 796 of the Civil Code of the Russian Federation, [11].

Associated Professor Olga N. Pripuzova commenting the CIWT in addition says "...the presence in the Code of Inland Waterway Transport of the Russian Federation of a norm on the carrier's obligation to offer/supply for loading technically sound vessels, containers (Article 71 of the CIWT), is not supported by any penalties for non-fulfillment (or improper fulfillment) of this obligation. And it gives this norm only declarative character". It is noted that the fact of damage or loss to the cargo as a result of its transportation in a technically defective container or a ship entails for the carrier only responsibility for unsafe transportation, but not for violation of the obligation to provide sound/serviceable vehicles. The expert proposes to supplement the Code of Inland Water Transport of the Russian Federation with a clause that provides penalty liability for the carrier due to for the serving of defective containers, or ships for loading, [13].

According to Professor Mikhail I. Braginsky [7], "...when preparing the Code of Inland Water Transport of the Russian Federation, its developers, apparently, were guided not by the text of the Code of Merchant Shipping, which provides the most complete regulation of contractual relations, but rather by the Transport Charter of the Railways of the Russian Federation, which guarantees broad opportunities for departmental rule-making and provides one-sided benefits for transport organizations".

“This situation goes from the current situation in the usage of inland waterways and by its very nature, which requires a comprehensive regulatory impact (added by V. Markov, commenting on the CIWT), therefore does not exclude the expediency of specifying the norms through the publication of bylaws”.

According to the provisions of the CIWT, the regulatory legal acts of the Russian Federation issued in regard of inland waterway transport activities (by other authorities) should not contradict the provisions of the CIWT.

## 6) TECHNICAL REGULATION BY RUSSIAN MARITIME REGISTER OF SHIPPING

In addition to the executive authorities, some functions of regulation may also be the responsibility of organizations. But such organizations, e.g. like classification societies, are not vested with the right to directly manage, like Basin Administrations – they mainly perform work of a safety securing in the shipping.

In a view of Saimaa and Volgo-Balt transportation studies, it would not be unnecessary to mention role of the Russian Maritime Register of Shipping (RMRS (<https://rs-class.org/en/>)) providing technical safety. Classification society does play its role in the technical regulation applied first of all to the vessels/fleet. Saimaa canal and River Neva are linked through Finnish Gulf, it means that vessel to be operable on this route are to be complying with the technical requirements both for sea and river operations. In current legislation, all vessels which fall under the type of “river-sea” ships are subject for supervision by Russian Maritime Register of Shipping. Vessels under class M-SP (highest for river vessels) are supervised by Russian River Register (RRR, <https://www.rivreg.ru/>). But anyway a final certificate permitting any “river-sea” ship to operate at sea (to be registered as “river-sea” ship) is issuing by RMRS.

Russian Maritime Register of Shipping (RMRS,) is a world-known classification society closely associated with maritime shipping, shipbuilding and all other branches of marine engineering and industry. Its history goes back to 1913. Total number of experts working for RMRS now is by over 1300 highly qualified specialists located in 49 offices worldwide. RMRS is recognized by the maritime administrations of 68 flag states. Since 1969, the Russian Maritime Register of Shipping is a member of the International Association of Classification Societies (IACS). Main office (headquarters) of RMRS is located in St.-Petersburg.

Main objectives of the Russian Maritime Register of Shipping are following:

- Improvement of standards of safety of life at sea;
- Improvement of ship safe navigation standards;
- Improvement of standards of safe transportation of goods by sea and in inland waterways;
- Development of measures and standards to prevent environmental pollution.

General list of services RMRS provide can be described like this:

- Review and appraisal of design and technical solutions; survey and issue of documents, certificates and reports to ships and offshore installations as well as to ship machinery, equipment, arrangements, products, outfit and materials, refrigerating plants, cargo handling gear, containers;
- Tonnage measurement of ships and offshore installations;
- Survey for compliance with the requirements of international conventions and issue of relevant certificates and other documents on behalf of maritime administrations of the states - parties to the international conventions;
- Certification of industrial products and processes;
- Certification of quality management, environmental management and health and safety management systems for compliance with the ISO International Standards Series 9001, 14001 and 45001;
- Certification of safety management systems of shipping companies and ships for compliance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention;
- Analysis of data and submission of information at the request of shipowners, maritime administrations, underwriters and port authorities in case of ship's class transfer;
- Cooperation with maritime administrations and port authorities during the inspections of ships in ports, [17].

Examples at Tabl. 2 shows specific services provided by Russian Maritime Register of Shipping in regard of the vessels.

Table 2.

Examples of services provided by Russian Maritime Register of Shipping in regard of the vessels, [17]

SERVICES segment		
Vessels	Under construction	Approval-In-Principle Appraisal of design documentation Technical supervision at shipyard
	In service	Classification surveys Statutory surveys and other services Tonnage measurement of ships Condition Assessment Program (CAP) Safety Management System (ISM Code) Ship security (ISPS Code) Working and rest conditions for seafarers (MLC-2006) / Certification of crewing companies
	Sports sailing vessels	
	Small craft	
Online Information	Members area Register of Ships Shipowners Approved materials and products, service suppliers, companies Rosmorrechflot Certificates	

	RS Circulars Additional information on surveys of ships in service Documents on containers	
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Among the most recent documents on technical supervision of the vessels it worth to be mentioned Rules for the Surveys of Inland Navigation Ships in Service (for European Inland Waterways). First and second edition from 2020 and 2021 consequently.

Latest Rules for the Surveys of Inland Navigation Ships in Service (for European Inland Waterways) of Russian Maritime Register of Shipping have been approved in accordance with the established approval procedure and come into action on 1 January 2021.

It is stated in the Rules: “In development of the Rules the technical requirements of other classification societies and governmental organizations in the Danube River Basin, and countries operating vessels involved in the Danube-Main-Rhine waterway system, as well as the provisions of Directive (EU) 2016/1629 as amended by European Commission regulations (EU) 2018/970 and (EU) 2019/1668, ESTRIN 2019/1 standard, UNECE resolutions Nos. 61, 65, 72 and 76, Recommendations on Technical Requirements for Inland Waterway Vessels of the Danube Commission, edition 2014, and the applicable international and European standards governing electrical equipment, communications, navigation, environmental protection have been taken into account” [18].

Rules for the Surveys of Inland Navigation Ships in Service (for European Inland Waterways) set forth schedule, scope and methods of surveys of ships and their items for the purpose of assignment, confirmation and renewal of the ship's

class in accordance with the Rules for the Classification and Construction of Inland Navigation Ships (for European Inland Waterways).

The types, scope and schedule of surveys of vessels for the purpose of verification of their compliance with the Rules for INS Construction and other normative requirements of the Register are regulated by the relevant sections of the Rules for INS Surveys.

Transitional provisions contained in the relevant articles of the edition of ESTRIN standard in force according to the provisions of Annex II to Directive (EU) 2016/1629 as amended shall be additionally followed when determining the scope of survey for ships in service covered by the requirements of Directive (EU) 2016/1629 as amended, and not navigating on Zone R waterways. For ease of reference, the table of correspondence between the requirements of the Rules for INS Construction and the above mentioned transitional provisions is given in Appendix 2 to the Rules for INS Surveys, [18].

The Rules are intended for surveyors, ship crews and shipowners. They are published in electronic format in Russian and English. In case of discrepancies between the Russian and English versions, the Russian version prevails, [18].

Development of this most recent document is a good evidence that Russian Maritime Register of Shipping is going to play more actively in the area of European Inland Waterways and its shipping and shipbuilding.

## **7) TECHNICAL REGULATION ON SAFETY OF THE INLAND WATER TRANSPORT FACILITIES**

The Technical Regulations on Safety of Inland Waterway Transport Facilities (TR on SIWTF) should also be mentioned in this study as one of the important national documents for the industry. It came into action by the Government Decree of Russian Federation dated August 12, 2010 №623. TR on SIWTF has replaced some previous and outdated technical regulating documents in Russia, like “Rules of River Fleet Technical Exploitation”. Last amendments in the current version of TR on SIWTF are dated August 6, 2020 №1183.

As it stated at the beginning of the document: “This Technical Regulation establishes the minimum necessary safety requirements for the objects of technical regulation (hereinafter referred to as the objects of regulation), mandatory for application and execution, aimed at achieving the goals provided for by this technical regulation, the requirements for marking and the rules for its application, as well as the rules for identifying the objects of regulation”.

In accordance with the Federal Law «On Technical Regulation», TR on SIWTF is applied in order to protect the life and health of citizens, property of individuals and legal entities, state or municipal property from the danger that can be a source of the activity of inland water transport and the associated infrastructure, protection the environment, life and health of animals and plants, prevention of actions that mislead the purchasers of regulated objects, as well as ensuring energy efficiency.

Fulfillment of the requirements of TR on SIWTF must ensure:

- a) biological safety of regulated objects;
- b) explosion safety of regulated objects;

- c) hydrometeorological safety of regulated objects;
- d) uniformity of measurements;
- e) mechanical safety of regulated objects;
- f) fire safety of regulated objects;
- g) thermal safety of regulated objects;
- h) chemical safety of regulated objects;
- i) electrical safety of regulated objects;
- j) electromagnetic compatibility in terms of ensuring the operation of devices and equipment related to the objects of regulation;
- k) environmental safety of regulated objects;
- l) energy and environmental efficiency of regulated objects;
- m) other types of safety of regulated objects for the purposes specified in paragraph 3 of this technical regulation.

The objects of regulation include:

- a) objects of inland water transport, including:
  - vessels subject to state registration, except for small, pleasure and sports sailing vessels;
  - ferry crossings and floating bridges on inland waterways;
  - materials and products for ships;
- b) the design, production, construction, installation, operation and disposal processes associated with inland waterway transport facilities;
- c) infrastructure facilities for inland water transport, including:
  - navigational passages indicated by navigational signs of the navigational situation or in any other way;
  - aids to navigation;
  - transshipment complexes, passenger terminals, fencing, bank-protecting hydraulic structures of ports;
  - berths and port berthing facilities;

d) processes of design (including survey), construction, operation, decommissioning and liquidation associated with infrastructure facilities of inland water transport.

The requirements of this technical regulation are obligatory for their fulfillment by individuals and legal entities.

There are 8 Chapters in the TR on SIWTF of current edition:

Chapter 1 General Provisions (articles 1-18);

Chapter 2 Safety Requirements for the Waterway Transport Facilities (articles 19-215);

Chapter 3 Safety Requirements for Operation and Disposal Considered with the Safety Requirements for Inland Waterway Transport (articles 216-384);

Chapter 4 Safety Requirements for the Infrastructure of Inland Waterway Transport (articles 385-435);

Chapter 5 Requirements for the Safety of Operation Processes and Liquidation Related to Requirements for Facilities of Inland Waterway Transport Infrastructure (articles 436-502);

Chapter 6 Identification of Inland Waterway Transport Facilities and Related Infrastructure (articles 503-511);

Chapter 7 Assessment of Conformity (articles 512-524);

Chapter 8 State Control/Supervision (articles 525-530).

One of the UN issued documents, supported by Russian Government and referred on in Technical Regulations on Safety of Inland Waterway Transport Facilities is “European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways” that is directly applicable in the inland navigation.

## **8) VOLGO-BALT ADMINISTRATION AS A REGIONAL BODY FOR REGULATION OF INLAND WATERWAY TRANSPORT**

As it was mentioned above, inland waterways of Russia are under Rosmorrechflot Agency supervision too. It concerns mostly the IWWs of federal (state) importance – main navigable fairways, listed in the ministerial level. But Rosmorrechflot imply its regulating acts not directly to numeral inland waterways operators – for these aims there are Basin Administrations of specific inland waterways to be addressed. There are 15 State Basin Administrations in the structure of Ministry of Transport of Russian Federation nowadays.

Contrary to the Transport Ministry and Rosmorrechflot, located in the Moscow, the State Basin Administrations are headquartering in the regions, where are located inland waterways they supervises.

FBU Volgo-Balt Administration, for example, located in St.-Petersburg (abbreviate FBU means Federal Budgetary Unit). Waterway basin under Volgo-Balt Administration is one of the busiest in river transport of Russia. It's main waterway of stronger capacity also is used by “river-sea” going vessels connecting Baltic Sea ports with inland ports of Russia and ports located in the marine areas of White Sea, Black Sea, Azov Sea and Caspian Sea. Volgo-Balt waterways are in fact bordering Saimaa inland waterway system by Finland Gulf thus having even higher importance to the international trade of Russia with Finland and other countries through Baltic Sea (Fig. 4).

Volgo-Balt is one of the most important waterways included in the unified deep-water system of inland waterways of the European part of Russia. This is a complex enterprise that is incorporating different engineering facilities, which includes 4944,2 kilometers of navigable waterways, including 3002,2 kilometers with guaranteed dimensions, 11 ship-locks with a pressure of 11 to 18 meters, three hy-

droelectric power plants, 24 earth dams and dykes, 12 ferry crossings, 9 bridge crossings, 8 lighthouses in Lake Ladoga, more than 4,5 thousand signs/aids to navigation, more than 200 units of the servicing fleet, [20].

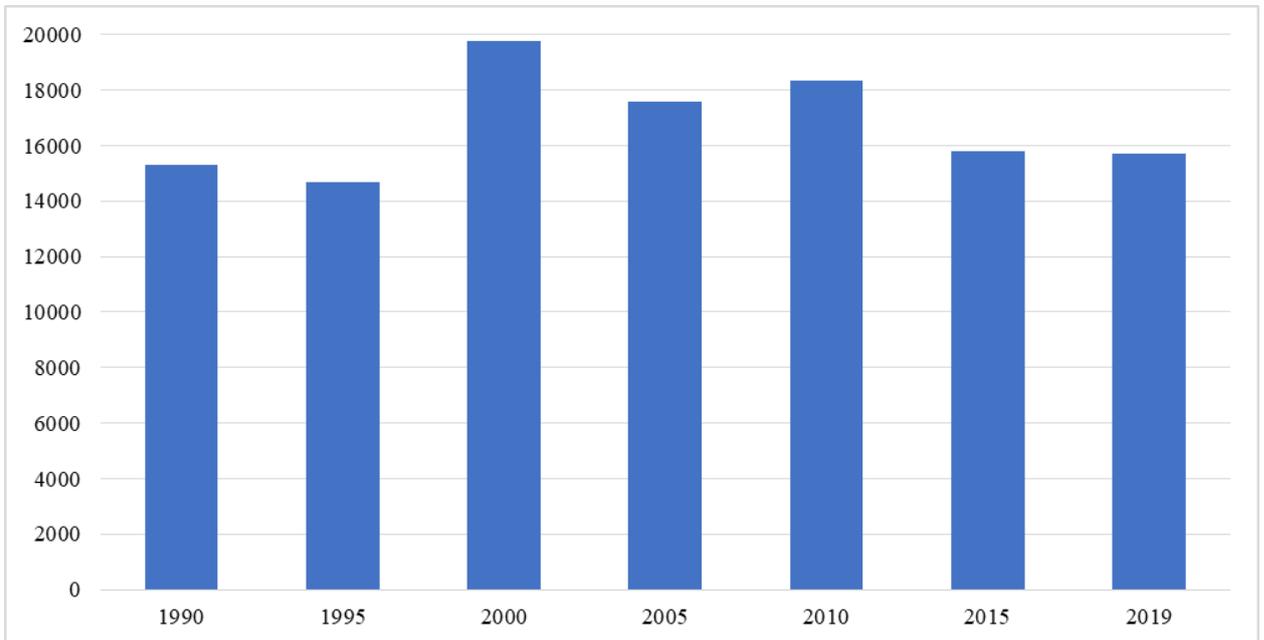


Fig. 4. Cargo transportation dynamics via Volgo-Balt inland waterway system (thousand tons per year), [22, 23]

Like other basin administrations of inland waterways Volgo-Balt Administration is carrying out following tasks and responsibilities on behalf of federal government:

- 1) Maintain the inland shipping operations in the waterway areas under its administering;
- 2) Maintain and develop inland waterway fairways and hydrotechnical sites (canals, locks, berths etc.);
- 3) Provide dredging on inland waterways;
- 4) Maintain aids to navigation equipment (buoys, marks etc.) and hydrographical documentation (charts, rules etc.) on the inland waterways.

For these tasks administrations of inland waterways provides all needed customers with sets of services, shaping out operational or local level regulation if it may be called this way. In accordance with the Charter the FBU Administration of

Volgo-Balt, has a system of paid services provided to shipowners/operators, individuals and legal entities. Provided services are based on governmentally approved (state) fee rates and at an agreed market/negotiated price. In order to receive any of the services provided, it is necessary to notify the Volgo-Balt Administration about the need for its services. All relationships for the provision of services are carried out on a contractual basis.

Among services provided on governmentally approved fee/dues (rates) one can find following:

1. Navigation dispatching services.

Dispatching control of vessel traffic in the basin of Volgo-Balt Administration is carried out by the dispatching service of vessel traffic regulation on the main Volgo-Balt waterway route from Torovo to St. Petersburg.

2. Pilotage.

Pilotage of vessels is carried out by pilots of the state Pilot Service in the area of Volgo-Balt Administration responsibility.

There are types of ship's pilotage:

- Piloting of vessels under the St. Petersburg bridges;
- Piloting of vessels in the water area of the St. Petersburg seaport;
- Pilotage of vessels in the areas of optional pilotage. Carried out at the request to/of the Captain for the Volgo-Balt Administration basin;

- Pilotage of single-hulled tankers without a double bottom along the Neva River from Shlisselburg to the Neva roadsteads (upper of St. Petersburg bridges). Mandatory for these vessels;

- Pilotage of oversized ships and ship convoys under the St. Petersburg bridges.

3. Berthing at the moorings on the Lieutenant Schmidt embankment.

Vessels are accepted for temporary lay-up / mooring at the request of ship-owners or agency firms.

#### 4. Fee for anchorage of vessels.

Charged to cargo vessels on equipped Nevsky roadsteads when the ships are anchored for more than 12 hours.

#### 5. Lighthouse fee.

Introduced with the aim of obtaining extra-budgetary funds for the preservation of signs of the navigational situation in Lake Ladoga - class lighthouses that ensure safe navigation.

6. Fee for passage through the Volgo-Balta lock system for vessels flying a foreign flag.

The fee is levied on foreign vessels for the use of artificial navigational canals, aids to navigational conditions and hydraulic structures (locks), [20].

Services provided on the basis of negotiable/market contractual prices.

If it is necessary to obtain these services, a voluntary consent procedure for the provision of services is applied and an agreement is signed confirming that the services are provided at the request of the customer. A prerequisite is the signing of a negotiated price agreement protocol.

Services provided by Volgo-Balt on the ground of negotiable/market contractual prices include following ones:

1. Services OS-404 of the Vytegorsk District of Hydraulic Structures and Shipping - a branch of the Volgo-Balt Administration.

Due to the need to pass over/overload the bilge waters, household waste water and dry wastes from the vessels when they are moving to the lakes of the North-West, the treatment vessel can be available at the requests of the captains of the ships. Shipowners are to conclude a contract with the Vytegorsky area of hydrotechnical structures and shipping (branch of Volgo-Balt).

2. Services to assist in the mooring of ships to the berths.

Services are rendered at the request of shipowners or agency companies by tug boats of the Volgo-Balt Administration with a capacity of 150 hp. The service is

provided on the basis of mutual consent of the parties and contract on the negotiated price, after signing the relevant documents.

3. Selling of paper navigational charts/maps and manuals for navigation on inland waterways, proofreading and production of digital publishing originals.

The maps and manuals are sold by the cartographic service of the Volgo-Balt Administration according to the approved price list for the provision of services.

4. Towing of vessels and other floating objects, transportation of goods.

Volgo-Balt Administration has in operational management tug boats and pusher tugs.

5. Services on dredging, river (fairway) bed cleaning, providing navigation conditions, trawling outside the navigable routes of general use.

6. Diving work on request, including:

- sunk ship lifting works;
- underwater technical work;
- ship diving works;
- rescue operations;
- inspection and cleaning of the bottom of the waterway areas for mass recreation, etc., [20].

Partly resulting from the services above there are fees charged to shipowners/operators. In accordance with Order №66 of March 16, 2020 “On approval of rates of dues from ships for services in river ports rendered by FBU “Administration of “Volgo-Balt” (comes into force from 01.04.2020) the following information is published.

Tables 3-8 bellow are showing dues and fees related with navigation through St.-Petersburg and on via inland waterways of Volgo-Balt in the direction of Onega Lake, Cherepovets port and Moscow.

Table 3.

Fee for birthing of ships along the moorings at the Lieutenant Schmidt embankment in St. Petersburg (mooring due for awaiting of St.-Petersburg bridges opening), [20]

Place of berthing	Units measurements	Rate/fee	Rate/fee in USD
St.-Petersburg the Lieutenant Schmidt embankment			Current exchange rate is used*
Russian flag vessels	RUB. per 1 hour / 1 meter	6.05	0.08
Foreign flag vessels	RUB. per 1 hour / 1 meter	8.64	0.11

\* - 1 RUB = 0.0132 USD

Table 4.

Fee for anchorage of vessels (anchorage due), [20]

Place of berthing	Units measurements	Rate/fee	Rate/fee in USD
St.-Petersburg River Neva road- steads*			Current exchange rate is used*
Russian flag vessels	RUB. per 1000 m <sup>3</sup> / 1 hour	6.47	0.09
Foreign flag vessels	RUB. per 1000 m <sup>3</sup> / 1 hour	6.47	0.09

\* - if at anchor >12 hours

In addition to the dues/fees above Volgo-Balt Administration charges for the using of their inland waterway infrastructure. In accordance with the Order №62 of February 2019 there are dues/rates/fees from vessels charged for inland waterway infrastructure use.

Table 5.

Ensuring the safety of navigation of vessels on inland waterways (navigation dues)

Part (route) of Inland Waterways	Units measurements	Rate/fee	Rate/fee in USD
			Current exchange rate is used*
Torovo – Onega Lake	RUB. per 1000 m <sup>3</sup> / 1 km	1.728	0.02
Onega Lake – Shlisselburg	RUB. per 1000 m <sup>3</sup> / 1 km	3.212	0.04
Shlisselburg – St.-Petersburg	RUB. per 1000 m <sup>3</sup> / 1 km	29.098	0.38

Table 6.

Navigational and hydrographic provision of navigation conditions for vessels on inland waterways (lighthouse dues), [20]

Part (route) of Inland Waterways	Units measurements	Rate/fee	Rate/fee in USD
			Current exchange rate is used*
Ladoga Lake	RUB. per 1000 m <sup>3</sup> / 1 voyage	374	4.94

Table 7.

Pilot services for vessels on inland waterways (pilot dues), [20]

	Units measurements	Russian flag vessels	Foreign flag vessels	Rate/fee in USD

Part (route) of Inland Waterways				Current exchange rate is used*
Not mandatory parts of IWWs for piloting				
	RUB./hour	920.3	2260.9	29.85
Mandatory parts of IWWs for piloting:				
a) Under St.- Petersburg Bridges	RUB./hour	20520.0	30617.3	404.18
a) Under St.- Petersburg Bridges for oversized ships and ship convoys	RUB./hour	22226.4	-	-
a) Inner water area of the Seaport of St. Petersburg	RUB./hour	9360.7	-	-

Table 8.

Providing the passage of foreign flag vessels on inland waterways  
(dues for the passage of foreign ships on inland waterways), [20]

Part (route) of Inland Waterways	Units measurements	Rate/fee	Rate/fee in USD
			Current exchange rate is used*

Torovo – St.-Petersburg; St.-Petersburg - Torovo	RUB. per 1000 m <sup>3</sup> / 1 km	19.55	0.26
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The dues charged by Volgo-Balt Administration has a similar outlook as the dues/fees imputed by Administrations of Maritime Ports to entering vessels in accord with international and national rules. Saying outlook we mean that the dues in Russian inland waterways at least have the same names as the same applied to ship-owners by Maritime Administrations. When foreign vessel enter the Port St.-Petersburg (Rosmorport authorities) it has to be ready for the next port dues included into disbursements costs:

- tonnage (vessel) dues;
- lighthouse dues;
- canal dues;
- navigational dues (marine trafficking safety system);
- port security dues;
- pilot dues.

At Russian side of the Saimaa canal one shall add two more fees of Rosmorport to mentioned above if the vessel is going on the line Ports on Saimaa to Port St.-Petersburg:

- canal dues;
- pilot dues (21 miles).

Except for the dues regulation administrations of local inland waterways basins takes part in initiation and preparation of the regulatory documents of the following character:

- a) rules for the navigation of vessels on inland waterways;
- b) rules for the navigation and anchorage of vessels in the corresponding inland waterway basin;

- c) rules for the passage of vessels through the locks;
- d) rules for traffic control of vessel and flow of vessels on inland waterways;
- e) rules for radio communication through mobile service and the mobile-satellite service on inland waterways.

Based on the rates given in this chapter in the next one is offering a practical estimation of due costs based on the example of potential foreign flag vessel requesting a commercial voyage into Russian inland waterways up to river port Podporozh'ye.

## **9) REGULATION OF FOREIGN FLAG VESSELS ADMISSION ON TO RUSSIAN INLAND WATERWAYS**

One of the issues Russian experts and the Government is discussing sporadically and regulating carefully for the last 30 years is legislation and procedures of opening the inland waterways of Russian Federation for the admission of foreign vessels.

The question was aroused from the very beginning of 90th reforms at modern Russia and liberalization of international trade with foreign countries. In Europe the free international admission for foreign shipping has a longer history at the river Rhine, declared and sustained for centuries. Joining Danube, Main and Rhine into one main European waterway has put forward activities in its opening for foreign shipping and harmonization of IWW transport in Eastern European countries with the same of German, Netherlands, Belgium, France and Austria. Russia, starting fast initially in cooperation with EU on the question of opening the national inland waterways for international shipping, has slowed down by the 2010th because of different reasons.

By now we can presume that south slope of European inland waterways of Russia (Volgo-Don waterway system connected with lower Volga river and Caspian Sea) is more intensively used by foreign flag vessels – predominantly by Caspian States. Volgo-Balt “gates” still can be considered as closed for commercial shipping by foreign flag vessels, contrary even to Saimaa canal, which is definitely more open for free navigation. Although the national legislation for admitting foreign vessels either to southern or northern slopes of Russian Europe part of inland waterways is based at the same set of rules and regulating document of the national level.

To the date, this legislative set includes following main regulations:

1) Decree of the Government of Russian Federation N 85 (of Feb. 2008 with last amendments of Oct. 2017) “On validation of the Regulation on obtaining permission to sail vessels, flying the flag of a foreign state, on the inland waterways of the Russian Federation”;

2) Paragraph 23.1 of the Inland Waterways Transport Code (CIWT) of Russian Federation “Sailing (of vessels) under the flags of foreign countries on inland waterways”;

3) Resolution/order of the Government of the Russian Federation N 734-P (of May 2012) – “The list of ports and the list of inland waterways open to vessels flying a foreign flag”;

From mentioned above we can draw attention to the statement from the CIWT of Russian Federation in regard of foreign vessels. Paragraph 23.1 of the Inland Waterways Transport Code says:

“...Sailing of vessels flying the flags of foreign states on inland waterways is permitted on the basis of international treaties of the Russian Federation, as well as on the basis of decisions of the Government of the Russian Federation...;

Sailing of sports sailing vessels and pleasure boats under the flags of foreign states on inland waterways shall be carried out in accordance with the rules established by the Government of the Russian Federation. (Regulation of Sport Sailing Vessels, Leisure and Small Boats is by Merchant Shipping Code and Federal Law № 36-FZ from 23rd April 2012 with amendments from 29th December 2017);

The list of ports open for vessels entering carrying the flags of foreign states and inland waterways on which such vessels are allowed to sail is established by the Government of the Russian Federation...”.

Key phrase from above quote is “...permitted... as well as on the basis of decisions of the Government of the Russian Federation...”. It means that foreign shipowner/operator wishing to enter into Russian IWWs by cargo vessel shall obtain

permission for that beforehand. For a country like Finland and its shipowners entering to Volgo-Balt waterways now possible after fulfilling next procedure on obtaining permission to sail vessel, that is based on the Decision of the Government of the Russian Federation:

1) Initiate and send a Requesting Letter of the competent authority of foreign state (e.g. Ministry of Transport and Communications of Finland or shipowner/operator company) notifying the Ministry of Transport of Russian Federation on its intentions. Requesting Letter in Russian language shall contain following information:

- Vessels name (International name in accordance with ship documents is permissible in case impossibility to transliterate name into Russian);
- Flag of the vessel;
- Shipowner's name;
- Port of registry;
- Vessel's type;
- Main dimensions (length, width, draft, air draught);
- Route of the voyage;
- Information on cargo carried and passengers;
- Timing and purpose of the entry (number of entries) to IWW.

This Requesting Letter shall be sent in terms no less than 60 calendar days prior to planned ship voyage (entering of Russian IWWs).

2) In case of incompleteness of the information specified in the Requesting Letter of the competent authority or shipowner/operator "... Ministry of Transport of the Russian Federation requests from the competent authority of a foreign state additional information.

If the Competent Authority (shipowner/operator) of a foreign state does not provide additional information, the Ministry of Transport of the Russian Federation informs them of the impossibility of considering accordingly the request of the competent authority"....

Receiving the Requesting Letter from the foreign shipowner (or equal entity, the competent authority) the Ministry of Transport of the Russian Federation shall do their activity:

- prepare a Draft Resolution (order) of the Government of the Russian Federation on permission to foreign flag vessel to sail (navigate) on inland waterways of the Russian Federation; and
- agree the Draft Resolution of the Governments of the Russian Federation with other governmental bodies, listed below:

- Ministry of Foreign Affairs; Ministry of Defense; Federal Security Service, Federal Customs Service, Ministry of Agriculture, Federal Service for Supervision of Consumer Rights Protection and Human Well-Being. Time for approval of Draft Resolution by the interested federal executive bodies cannot exceed 10 calendar days from the date of document receipt.

After a positive decision is received, the Ministry of Transport of the Russian Federation notifies the shipowner/operator or competent authority of a foreign state about the decision made by the Government of the Russian Federation within 5 calendar days from the date of its adoption, which indicates:

- name of the vessel;
- flag (nationality) of the vessel;
- ship sailing route;
- the timing and purpose of the entry (number of entries);
- the need for border, customs and other types of control of the vessel, its crew and passengers.

Regarding the river (inland) ports and parts of inland waterways opened to vessels flying a foreign flag we can find following regulation: totally, there are 40 inland ports of Russian Federation open for foreign vessels.

Seeing this list one may notice that the nearest to Finland, there are next Russian inland ports for foreign vessels admittance: Petrozavodsk (Republic Karelia),

Podporozhsky (Leningrad Oblast), Saint-Petersburg (for passengers, (Saint-Petersburg) and Cherepovets (Vologda Oblast) at the far end of Volgo-Balt nearing Volga water basin.

Such a long procedure surely can be a form of protection of domestic market by regulatory authorities. Economic side of the same measures can be seeing in the port dues followed to entering into Russian IWWs.

Based on the previously mentioned rates for the dues invented on Volgo-Balt Administration waterways the example of practical calculation shall look like the next one (see Table 9).

Table 9.

Example of dues applied on shipowning/operating company for entering Volgo-Balt inland waterways (North-West of Russia), in rubles

Authority	Port dues	Costs		Overall	
		Entrance	Exit	in RUB	in USD
Marine Port Administration (Big Port of St.-Petersburg)	Ship/tonnage dues 2,4 RUB/GT	4400	4400	8800	116.51
Rosmorport	Lighthouse dues 0,88 RUB/GT	1613	1613	3226	42.71
Rosmorport	Canal dues 5,48 RUB/GT	10045	10045	20090	265.99
Rosmorport	Navigational dues (vessel traffic service) 1,77 RUB/GT	6488	6488	12976	171.80
Rosmorport	Port security fees (ISPS) 1,1 RUB/GT	2016	2016	4032	53.38
Rosmorport	Pilot dues (inward, 28 miles) 0,17 RUB per GT per mile	17450	17450	34900	462.07
Rosmorport	Mooring operation with pilot 1,08 RUB per GT per mile	3960	3960	7920	104.86
Rosmorport (Vyborg)	Canal dues (Saimaa canal, Russian side) 4,04 RUB/GT	14810	14810	29620	392.16
Rosmorport (Vyborg)	Pilot dues (21 miles) 0,32 RUB per GT per mile	24635	24635	49270	652.32

Volgo-Balt	Pilot dues (St.-Petersburg bridges + sea port part)	30617	30617	61234	810.72
Volgo-Balt	Pilot services*	976708	976708	1953416	25862.78
Volgo-Balt	Navigational dues**	135661	135661	271322	3592.24
Volgo-Balt	Fee for birthing***	0	12940	12940	171.32
	Other costs on shipowner:				
	Bilge and Household Waters treatment services (waste)		30000	30000	397.19
	Agent Fee		70000	70000	926.78
<b>TOTAL</b>				2569570	34020.52

The example from the Tabl. 9 is based on the presumption of following:

- Dry Cargo type, gross tonnage 3666 t; LxBxH = 104x15x5,5 = 8580 m<sup>3</sup>;

- Voyage on the route St.Petersburg - Podporozhye - St.Petersburg – Saimaa;

\* - Pilot services on the Volgo-Balt part of the voyage shall take 2 pilots engagement for 9 days or 216 hours, rate – 2260,9 RUB per hour;

\*\* - Navigational dues on the Volgo-Balt part of the voyage (St.-Petersburg – Podporozhye);

\*\*\* - Fee for birthing of ship along the moorings at the Lieutenant Schmidt embankment in St. Petersburg (mooring due), rate 8,64 RUB x L x Layby time (12 hours) x 1,2.

Representative of the company seeking for services of Valgo-Balt shall bear in mind that services to the vessels are provided after advance payment.

Traffic control of the vessels within the waterways of the Volgo-Balt Administration is provided in accordance with the additional regulatory document “Procedure for vessels traffic control on inland waterways of the Russian Federation” (by Order of the Ministry of Transport dated 01.03.2010 №47).

As one can see from the Table 9 major part of potential disbursement invoice is falling under pilotage costs, all other fee are not significant.



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## CONCLUSIONS

Under the Agreement between Russian Federation and Republic of Finland on lease of Saimaa Canal..., re-validated from 2011, both countries are interested in the further development of this cross-border inland waterway. Finland and Russia continue developing inland waterway transport of their countries whilst seeking the legislative and economic solutions for the new and possibly joint projects in this field.

In Russia there are especially noticeable attempts and measures undertaken by the Government for inland waterway transport support after 2010. In particular, for this speaks the development and approval of the documents:

- the Transport Strategy of the Russian Federation till the period up to 2030; and
- the Strategy of the Development of inland waterway transport till the period up to 2030.

Probably we cannot name these documents as regulative ones, but certainly they play its role forming a legislative set of norms aimed on science justification of the industry development which itself a separate block of legal documentation. And these documents and their realization evidently can have an impact on the regulative set of national or probably international laws and rules of the maritime and river transport applicable in Russia. Importance of research work in this area with EU and Finland organizations e.g. through CBC Programme or similar instruments does not

underestimated because this is only practicable and efficient way to find common solutions for the waterways which shipping jointly uses or expected to be used.

In addition, we shall conclude the study mentioning that like in maritime industry, relationships arising in the inland waterway transport activities are regulated by a system of law provisions or legal acts of various levels of both countries, Finland and Russia.

Transport as a branch of economy is regulated by the provisions of various industrial and institutional laws, among which in Russia the provisions of Civil and Administrative law still prevails and such situation needs to be amended.

Being the foundation and at the same time the core of the entire law system of Russian Federation, the Constitution contains fundamental provisions, both directly and indirectly related to the transport area and inland waterway transport.

The Ministry of Transport of the Russian Federation carries out central functions of state administration in national inland waterway transport, while interacting with federal executive bodies, Rosmorrechflot and Rostransnadzor Agencies.

The Code of Inland Waterway Transport from 2001 has become the main document for regulation on inland waterway transport in Russian Federation. The document has many reference norms yet it suffer from some details lacking. Consequently, the solution of a number of important issues is being referred in other federal legislative acts. Experts of the industry recognize that the CIWT contains a huge number of norms/provisions, referring to bylaws, which is fertile ground for departmental rule making, with all possible, including negative, consequences of this. Nevertheless, the significance of many of the provisions of Code of Inland Waterway Transport should not be underestimated. Many bylaws of the industry shall be legally more clearly systematized, open to wider access and thus well available on the websites.

Among the some regulations, which still are in the plans of the Russian Government, professionals name following Resolutions or amendments to them [10]:

- “On the procedure for setting tariffs for the carriage of goods, passengers and luggage, towing ships and other floating objects, and for other services of inland water transport, as well as on the rules for the application of such tariffs”;

- “On the authorities that issue the documents required by international treaties of the Russian Federation for the implementation of navigation related to crossing the State Border of the Russian Federation”;

- “On the procedure for obtaining a permit for navigation of vessels under the flag of a foreign states on the inland waterways of the Russian Federation”;

- “On non-governmental organizations for pilotage of vessels on inland waterways”;

- “On the procedure for establishing port dues, their rates and application rules”.

Meanwhile this study was proceeded, in the autumn of 2020, the new National Project “Inland waterway transport for the period up to 2030” has been announced by the President and the Government. Depending on the tasks set and the expected results for their achievement the planned structure of the national project includes three federal projects that are interdependent: “Development of the network of inland waterways”; “Development of freight and passenger transport by inland waterways and their infrastructure”; “Improving the safety and environmental friendliness of inland waterway transport”. Now plans are working out under this national project, taking into account its potential, as well as for the achievement of such national development goals as “Comfortable and safe environment for life”, “Decent, efficient jobs and successful entrepreneurship” [24].

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Project «Future potential of inland waterways» («INFUTURE», KS 1006)  
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**Admiral Makarov State University of Maritime and Inland Shipping  
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