

**Act concerning the maritime areas of the Polish Republic  
and the marine administration, 21 March 1991**

[Original: Polish]

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**PART I  
GENERAL PROVISIONS**

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**Article 1**

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

**Article 2**

1. The maritime areas of the Polish Republic are:
  - (1) The internal waters;
  - (2) The territorial sea;
  - (3) The exclusive economic zone,hereinafter referred to as "Polish maritime areas".
2. The internal waters and the territorial sea are part of the territory of the Polish Republic.
3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

**Article 3**

1. If the needs of defence or of the security of the State so require:
  - (1) Zones closed to navigation and fishing may be established in the internal waters and in the territorial sea;
  - (2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].
2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

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## PART II POLISH MARITIME AREAS

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### Section 1 The internal waters

#### Article 4

The internal waters are:

(1) The part of Nowowarpno Lake and the part of the Bay of Szczecin, together with the Swina and the Dziwna and the Bay of Kamien, situated east of the State frontier between the Polish Republic and Germany, and the river Odra between the Bay of Szczecin and the waters of the port of Szczecin.

(2) That part of the Bay of Gdansk closed by a baseline running from a point having the coordinates 54°37' 36" north geographic latitude and 18°49' 18" east geographic longitude (on the Hel Sandbar [Mierzeja Helska]) to a point having the coordinates 54°22' 12" north geographic latitude and 19°21' 00" east geographic longitude (on the Vistula Sandbar [Mierzeja Wislana]);

(3) The part of the Vistula Bay [Zalew Wislany] situated south-west of the State frontier between the Polish Republic and the Union of Soviet Socialist Republics on that Bay;

(4) Harbour waters defined on the sea side by the line connecting the outermost permanent harbour works which form an integral part of the harbour system.

### Section 2 The territorial sea

#### Article 5

1. The territorial sea of the Polish Republic consists of a marine area of 12 nautical miles (22,224 m) wide, measured from the baseline of that sea.

2. The baseline of the territorial sea is constituted by the low-water line along the coast or the outer limit of the internal waters.

3. The outer limit of the territorial sea is constituted by a line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline, subject to paragraph 4.

4. Roadsteads which are normally used for the loading, unloading and anchoring of ships and which are situated wholly or partly outside the outer limit of the areas defined in accordance with paragraphs 1 and 3, are included in the territorial sea.

5. The boundaries of the roadsteads referred to in paragraph 4 shall be determined by the Council of Ministers by

means of an ordinance [rozporządzenie].

#### Article 6

1. Foreign ships shall, subject to the provisions of paragraph 3, enjoy the right of innocent passage through the territorial sea of the Polish Republic.
2. Innocent passage means navigation through the territorial sea for the purpose of:
  - (1) Traversing that sea without entering the internal waters or calling at any part of the harbour system or any roadstead facilities which are situated beyond the internal waters;
  - (2) Entering or leaving the internal waters;
  - (3) Entering or leaving the part of the harbour system or roadstead facilities referred to in subparagraph (1).
3. The Minister of National Defence shall, by means of an ordinance, define the passage of warships of foreign States through the Polish territorial sea and the conditions for their entry into Polish internal waters.

#### Article 7

The passage shall be continuous and expeditious. Stopping or anchoring shall be permitted only in so far as they are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger. Foreign fishing vessels shall, during their passage, be required to remove fishing gear from their decks or to store it in a manner which precludes its use.

#### Article 8

Passage shall be considered to be innocent so long as it is not prejudicial to the peace, good order or security of the Polish Republic.

#### Article 9

Passage shall be considered to be prejudicial to peace, good order or security of the Polish Republic if the foreign ship or warship, while in the territorial sea, engages in any of the following activities:

- (1) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Polish Republic or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (2) Any exercise or practice with weapons of any kind;
- (3) Any act aimed at collecting information to the prejudice of the defence or security of the Polish Republic;
- (4) Any act of propaganda aimed at affecting the defence or security of the Polish Republic;
- (5) The launching, landing or taking on board of any aircraft;
- (6) The launching, landing or taking on board of any military device;
- (7) The loading or unloading of any commodity, foreign currency or person contrary to the customs, fiscal, immigration or sanitary regulations of the Polish Republic;

- (8) Any act of wilful pollution;
- (9) Any fishing activities;
- (10) The carrying out of research or survey activities;
- (11) Any act aimed at interfering with the system of communications or any other facilities or installations of the Polish Republic;
- (12) Any other activities not having a direct bearing on the passage.

#### Article 10

1. Where necessary having regard to the safety of navigation, the Ministry of Transport and Marine Economy, in agreement with the Minister of National Defence, may, by means of an ordinance, designate in the territorial sea, sea lanes and prescribe traffic separation schemes as well as a notification system of ships' position and also define ways for the use of such sea lanes and traffic separation schemes for the regulation of the passage of ships.
2. The sea lanes and the traffic separation scheme shall be shown on marine charts.

#### Article 11

Foreign ships exercising the right of innocent passage through the territorial sea shall be required to comply with Polish law and international regulations relating to the prevention of collisions at sea and to the protection of the marine environment.

#### Article 12

1. Polish criminal jurisdiction shall not be applicable to offences committed on board foreign ships during their passage through the territorial sea, unless:
  - (1) The consequences of the offence extend to the territory of the Polish Republic;
  - (2) The offence violates the peace or the good order of the territorial sea;
  - (3) The assistance of the competent Polish authorities has been requested by the master of the ship or by the diplomatic agent or consular officer of the flag state of the ship;
  - (4) Such jurisdiction is necessary for the purpose of combating the illicit traffic in narcotic drugs or psychotropic substances.
2. The provisions of paragraph 1 shall not restrict the application of Polish criminal jurisdiction if the foreign ship is passing through the territorial sea after leaving Polish internal waters.
3. No action in respect of a foreign ship passing through the territorial sea shall be taken in connection with an offence committed before the ship entered the Polish territorial sea, if the ship, proceeding from a foreign port, is only passing through that territorial sea without entering internal waters.
4. The provisions of paragraph 3 shall not apply in case of violation of the rights of the Polish Republic as defined in article 17 or in the case of the prosecution of persons causing pollution of the marine environment.
5. The authorities taking action in the sphere of criminal jurisdiction shall, if the master of a ship so requests,

notify a diplomatic mission or the competent consular office of the flag State.

### Article 13

1. A foreign ship passing through the Polish territorial sea may not be stopped for the purpose of exercising civil jurisdiction in relation to a natural person on board the ship.
2. No execution against or arrest of a foreign ship passing through the Polish territorial sea may be carried out in connection with any civil proceeding, save only in respect of obligations or liabilities assumed or incurred by the ship in the course or for the purpose of its voyage through the Polish internal waters or the Polish territorial sea.
3. The provisions of paragraph 2 shall not be applicable if the foreign ship has stopped in the Polish territorial sea or is passing through that sea after leaving Polish internal waters.

## Section 3 The exclusive economic zone

### Article 14

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

### Article 15

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

### Article 16

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

### Article 17

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

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

#### Article 18

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

#### Article 19

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

#### Article 20

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

#### Article 21

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

#### Article 22

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

#### Section 4

#### Artificial islands, installations and structures, submarine cables and pipelines

#### Article 23

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

#### Article 24

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

#### Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the

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

#### Article 26

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

#### Article 27

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

2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

### Section 5 Scientific research

#### Article 28

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

#### Article 29

1. Scientific research in the Polish exclusive economic zone may be carried out by the States, persons and organizations referred to in article 28 after obtaining a consent from the Minister of Transport and Marine Economy. Applications for the issuance of the consent, containing information on the intended research and the programme therefor, must be submitted not later than six months before the expected starting date of the research.

2. The Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, shall refuse to issue a licence or shall revoke a licence if the scientific research threatens to pollute the environment. In the same manner, the Minister of Transport and Marine Economy may withhold its consent to the conduct of such research if the said research:

- (1) Relates directly to the natural resources of the zone;
- (2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;
- (3) Involves the construction or use of artificial islands, installations and structures.

### Article 30

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

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

### Article 31

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

### Article 32

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

## Section 6

### Exploitation of mineral resources

### Article 33

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



#### Article 34

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

### Section 7 Tourism and water sports

#### Article 35

The exercise of tourism and water sports in Polish maritime areas may take place under such conditions and in such a manner as are consistent with the provisions of Polish law.

### Section 8 The coastal area

#### Article 36

1. The coastal area is a land area adjacent to the sea-coast.
2. The coastal area shall include:
  - (1) The technical area constituted by the area which directly separates the sea and the land from each other; it is an area intended for keeping the coast in a condition consistent with the needs of safety and environmental protection;
  - (2) The protective area, which comprises the area in which human activity has a direct influence on the status of the technical area.
3. The coastal area shall run along the sea-coast.
4. The Council of Ministers shall, by means of an ordinance, define the boundaries and width of the technical area and the protective area.

#### Article 37

1. The technical area may be utilized for purposes other than those referred to in article 36, paragraph 2, subparagraph (1), with the consent of the competent authority of the marine administration, which shall at the same time define the conditions for such utilization.
2. The creation of hunting districts in the technical area is prohibited.
3. Authorizations [pozwolenia] under water law and decisions in matters relating to construction, to changes in afforestation, to the planting of trees and to the creation of hunting districts, as well as the formulation and execution of plans for bringing land into economic use in the protective area, shall require coordination with the director of the competent marine office.

4. All plans and projects related to the economic use of the technical area, the internal waters and the territorial sea shall be approved by the authorities of the marine administration in agreement with the competent coastal communities.

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## **PART III**

### **THE MARINE ADMINISTRATION**

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#### Section 1

#### Structure of the authorities of the marine administration

##### Article 38

The authorities of the marine administration are:

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

##### Article 39

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

##### Article 40

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

##### Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.

2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2  
Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.

2. In particular, the authorities of the marine administration shall deal with matters relating to:

- (1) The safety of marine navigation;
- (2) The utilization of maritime routes and of large and small seaports;
- (3) The conduct of marine fishing and the exploitation of other living resources of marine waters;
- (4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;
- (5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;
- (6) The saving of lives, the conduct of underwater work and the extraction of resources from the sea;
- (7) Technical supervision by specialists;
- (8) Technical and construction surveillance;
- (9) The protection of large and small seaports against fire;
- (10) The coordination of decisions in matters involving the issuance of authorizations under water law and the issuance of construction authorizations in the technical area, large and small seaports, the internal waters and the territorial sea, as well as all other decisions relating to the economic use of the said area, unless otherwise provided by a separate regulation;
- (11) The construction, preservation and protection of coastal fortifications, dunes and protective afforestations in the technical area.

3. The authorities of the marine administration shall also carry out assignments in the field of international cooperation in the sphere of the matters referred to in paragraphs 1 and 2.

4. The rendering of decisions in the matters referred to in paragraph 2, subparagraphs (10) and (11), shall take place after the opinion of the competent authority of the territorial autonomous government has been obtained.

Article 43

In matters which relate to the jurisdiction of authorities of the marine administration and which are decided in the course of an administrative proceeding, the decision at first instance shall be rendered by the directors of the

marine offices, unless by virtue of a special regulation the competent organ at first instance is the Ministry of Transport and Marine Economy.

#### Article 44

1. The authorities of the marine administration shall act in Polish maritime areas, in large and small seaports and in the technical area, unless otherwise provided by a special regulation.
2. The authorities of the marine administration shall also be competent to perform on the open sea tasks defined by international treaties and by Polish law.

#### Article 45

1. Subject to the provisions of article 5, paragraph 4, the boundaries of seaports on the sea side and those of their roadsteads, with the exception of military ports, shall be defined by the Minister of Transport and Marine Economy, in agreement with the ministers concerned. The boundaries of ports on the land side shall be defined by the Minister of Transport and Marine Economy, after obtaining the opinion of the competent community councils.
2. The directors of the marine offices, after obtaining the opinion of the competent community councils and the authorities responsible for the defence of the State frontier, shall define the boundaries of small seaports.
3. The Minister of National Defence, in coordination with the Minister of Transport and Marine Economy, shall define the boundaries of military ports.

#### Article 46

The Minister of Transport and Marine Economy, in agreement with the Ministers of National Defence and of the Interior, shall define the cooperation of marine offices with the Navy and the Frontier Guard Service in the sphere referred to in article 42.

### Section 3

#### Regulations issued by the local authorities of the marine administration

#### Article 47

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

#### Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porzadkowe] containing prohibitions or commands concerning the behaviour referred to.
2. The ordinary regulations referred to in paragraph 1 shall be formulated in the form of an ordinary order [zarzadzenie porzadkowe].
3. The scope of application of an ordinary order shall be stated therein.
4. An ordinary order shall enter into force on the date defined therein, but not later than the date of its proclamation, in the manner defined in paragraph 5 or 6.
5. An ordinary order shall be subject to proclamation in the provincial official gazette competent with respect to the territorial scope of application of the said order.
6. Where it becomes necessary that an ordinary order should enter into force immediately, it may be published [publikowane] by means of notices at its places of enforcement, by means of radio broadcasts or in any customary manner commonly accepted in marine navigation or in the locality concerned. The date on which an ordinary order is so published shall be deemed to be the date of its proclamation.
7. An ordinary order proclaimed in the manner defined in paragraph 6 shall thereafter be published [podane do wiadomosci] in the competent provincial official gazette.

#### Section 4 Exercise of supervision

#### Article 49

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

#### Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:
  - (1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;
  - (2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;
  - (3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.
2. The marine inspectorate shall exercise the rights referred to in paragraph 1 in collaboration with the Frontier Guard Service, making use of its forces and means.

3. If there is no inspector of the marine inspectorate present on board a water-borne unit of the Frontier Guard Service, the said Service may of its own accord exercise the rights referred to in paragraph 1 on behalf of the local authority of the marine administration.
4. The transfer to the Frontier Guard Service of means owned by the marine offices for the exercise of the rights referred to in paragraph 1 shall take place by agreement between the Ministers of Transport and Marine Economy and of the Interior.
5. In the cases referred to in paragraph 3, the rights of the inspector of the marine inspectorate which are referred to in article 51 and in article 52, paragraph 1, shall be held, mutatis mutandis, by the commanders of the water-borne units of the Frontier Guard Service.

#### Article 51

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

- (1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;
- (2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;
- (3) To secure abandoned fish and articles used for fishing;
- (4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:
  - (a) To retain the documents referred to in subparagraph 1;
  - (b) To seize fish and articles used for catching fish and to secure them;
  - (c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

#### Article 52

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

#### Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.

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

#### Article 54

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

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## **PART IV FINES**

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#### Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:
  - (1) Exploitation of the mineral resources or living resources of the sea;
  - (2) Pollution of the marine environment;
  - (3) Scientific research pertaining to the sea and the seabed;
  - (4) The construction of artificial islands, installations and structures;
  - (5) The laying of submarine cables and pipelines,

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

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

#### Article 56

A person who:

- (1) Stops or anchors a ship outside of the location designated therefor;
- (2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;
- (3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;
- (4) Navigates a ship out of a port in spite of a received prohibition;
- (5) Loads or unloads goods from a ship at a location not designated therefor;
- (6) Establishes contact with the shore which causes danger to the safety of navigation;
- (7) Leaves a ship in an unauthorized location;
- (8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;
- (9) Violates a regulation issued on the basis of articles 47 and 48;
- (10) Does not comply with the commands referred to in article 52, paragraph 1;
- (11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;
- (12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;
- (13) Sets in motion equipment which impairs the effectiveness of the navigational sign system, shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

#### Article 57

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

#### Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.



2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

#### Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.

2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.

3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.

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

#### Article 60

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

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## **PART V**

### **AMENDMENTS TO REGULATIONS CURRENTLY IN FORCE**

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#### Article 61

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

#### Article 62

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

- (1) In the title of part XIII, the words "morskiej i" ["marine and"] are deleted;
- (2) In article 43:
  - (a) In paragraph 1, the words "urzedach morskich i" ["marine offices and"] are deleted;
  - (b) Paragraph 2 is amended to read as follows:

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

Mining Office.";

- (3) In article 144, paragraph 2 is deleted;
- (4) In article 145, the words "urzedu morskiego i" ["marine office and"] are deleted;
- (5) Article 146 is deleted;
- (6) In article 147, paragraph 1 and the designation "Paragraph 2" are deleted;
- (7) Article 148 is deleted;
- (8) In article 149, the words "administracji morskiej i" ["marine administration and"] are deleted;
- (9) In article 150:
  - (a) In paragraph 1, the words "przy Ministrze Zeglugi oraz" ["with the Minister of Navigation and"] are deleted;
  - (b) In paragraph 2, the words "odpowiedino Minister Zeglugi oraz" ["respectively, the Minister of Navigation and"] are deleted;
- (10) In article 151:
  - (a) Paragraph 1 is amended to read as follows:

"Paragraph 1. Higher supervision over the activities of the boards of the mining offices shall be exercised by the Chairman of the Higher Mining Office."
  - (b) In paragraph 2, the words "Minister Zeglugi i" ["Minister of Navigation and"] are deleted, and the word "moga" [may (plural verb)] is replaced by the word "moze" [may (singular verb)].

#### Article 63

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

#### Article 64

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

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

#### Article 65

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

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## PART VI TRANSITIONAL AND FINAL PROVISIONS

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### Article 66

Matters pertaining to infractions which are brought before the infraction boards of the marine offices and have not been completed by the date of entry into force of the Act shall, until such time as they have been concluded with legal force, be dealt with by those boards in accordance with the provisions in force up to the present time.

### Article 67

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

(1) Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Marine Fishery Zone and the Continental Shelf in the Baltic Sea, signed at Moscow on 17 July 1985 (Dziennik Ustaw, 1986, No. 16, item 85);

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

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

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

### Article 68

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

### Article 69

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

### Article 70

The following shall cease to have effect:

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

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

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

**Article 71**

The Act shall enter into force on 1 July 1991.

L. Walesa  
President of the Polish Republic