

# Table of Contents

The Authors	3
List of Abbreviations	15
Preface	19
General Introduction	21
§1. GENERAL BACKGROUND OF THE COUNTRY	21
I. Geography and Demography	21
II. Political System	21
A. General	21
B. Legislative Power	22
C. Institute of Presidency in Ukraine	23
D. Executive Power	23
E. Judicial Power	24
F. The Constitutional Court of Ukraine	24
G. Courts of General Jurisdiction	25
III. Legal System	26
§2. GENERAL INTRODUCTION RELATING TO TRANSPORTATION	31
I. Introduction	31
II. Inland Waterways and Ports	32
III. Railways	35
IV. Road System	35
V. Airports	36
VI. Pipelines	36
VII. State Authorities Responsible for Transport Policy	36
A. Ministry of Infrastructure of Ukraine	37
B. State Aviation Service of Ukraine	37
C. State Motor Transport Service of Ukraine	38
D. State Communications Service of Ukraine	39
E. State Inspectorate of Ukraine for Maritime and Inland Water Transport Safety	39
F. State Administration of Rail Transport of Ukraine ( <i>UkrZaliznytsya</i> )	40
	5

## Table of Contents

Part I. Introduction	43
Chapter 1. Transport and Maritime Law	43
Chapter 2. History of Transport Law	45
§1. MARITIME LAW	45
I. Introduction	45
II. Antiquity	45
III. Medieval Maritime Law	45
IV. Establishment of the Kievan Rus and the First Ukrainian Codifications	45
V. Ukrainian SSR	47
§2. TRANSPORT LAW	47
Chapter 3. Sources of Transport Law	49
§1. INTRODUCTION	49
§2. MARITIME LAW	50
§3. OTHER TRANSPORT LAW	50
Chapter 4. Jurisdiction and Courts	52
§1. GENERAL MARITIME CASES	52
I. Maritime Arbitration Commission	52
II. The Marine and Inland Water Transport Bodies	52
§2. OTHER TRANSPORT LAW CASES	53
I. Jurisdiction and Courts	53
II. State Immunity: International Law	55
Part II. Maritime Law	57
Chapter 1. Waterways	57
§1. INTRODUCTION	57
§2. LAW OF THE SEA	57
I. Law of the Sea Convention	57
II. Zones Recognized under UNCLOS	58
A. Internal Waters	58

## Table of Contents

B. Territorial Waters	60
C. Straits Used for International Navigation and International Rivers	60
D. Black Sea Straits	61
E. Danube River	61
F. Contiguous Zone	62
G. Continental Shelf and Economic Zone	62
H. Maritime Delimitation	63
I. High Seas	65
III. Domestic Rules	65
A. Internal Waters	65
B. Pilotage	66
C. Vessel Traffic Regulation (VTR)	66
D. Port Dues	67
Chapter 2. Vessels	69
§1. DEFINITION AND LEGAL STATUS OF A VESSEL	69
§2. REGISTRATION AND NATIONALITY OF VESSELS	69
I. Registration and a Right to Fly the Ukrainian Flag	69
II. Vessel Documents	72
§3. ACQUISITION AND OWNERSHIP OF THE VESSELS	73
§4. VESSEL SAFETY	74
Chapter 3. Mortgages and Other Real Rights	76
§1. MARITIME LIENS	76
I. Maritime Liens: General Concept	76
II. Preferred Claims versus Maritime Liens: Terminological and Legal Conflict in the Ukrainian Legislation	77
III. Maritime Liens in Ukraine: Legislative Framework and Practical Application	81
§2. SHIP MORTGAGES	83
I. General Legal Framework for Ship Mortgages in Ukraine	83
II. Mortgage Agreement: Parties, Essential Elements and Form	84
III. Registration of the Ship Mortgage	85
A. Book of Mortgages	85
B. State Shipping Register of Ukraine and Shipping Book of Ukraine	86
C. State Register of Encumbrances over Movable Property	86

## Table of Contents

IV. Convention on Maritime Liens and Mortgages and the Ukrainian Legislation	87
A. Public Accessibility of the State Registers	87
B. Other Provisions of the Convention and Their Implementation in Ukraine	88
V. Satisfaction of Claims from the Subject of the Mortgage	88
VI. Foreclosure of the Subject of the Mortgage	89
VII. Forced Sale of the Mortgaged Vessel	90
VIII. Assigning the Claim Secured by a Mortgage to Third Parties	91
Chapter 4. The Arrest of Ships	93
§1. GENERAL	93
§2. THE BRUSSELS CONVENTION REGIME	93
§3. MSC REGIME	94
§4. GENERAL PROCEDURAL RULES OF THE CIVPC AND COMPC	96
§5. PROBLEMATIC ISSUES AND WAYS TO SOLVE THEM	100
Chapter 5. Master and Seamen	102
§1. GENERAL BACKGROUND	102
§2. HISTORICAL BACKGROUND	103
§3. UKRAINIAN SHIPPING TODAY	104
§4. LEGAL REGULATION	105
§5. EMPLOYMENT	106
I. Qualifications	106
II. Maritime Labour Convention	108
III. Crewing in Ukraine	108
IV. Working Hours	110
V. Repatriation of Crew Members	110
VI. Wages	111
§6. MASTER'S SPECIAL POSITION	112
Chapter 6. Carriage by Sea	114
§1. GENERAL	114

## Table of Contents

§2. DEFINITION AND VARIETIES OF CHARTER PARTIES	115
§3. CONTRACT OF SHIP LEASE	116
§4. CONTRACT OF CHARTERING FOR A DEFINITE TIME	117
I. General	117
II. Payment of Freight	118
§5. CONTRACTS FOR THE CARRIAGE OF GOODS BY SEA	118
I. General	118
II. Definitions and Functions of the Bill of Lading	119
III. Payment of Freight	120
§6. CARGO DOCUMENTATION	121
§7. DUTIES OF THE CARRIER	121
§8. CARRIER'S LIABILITY FOR CARGO	122
§9. LIMITATION OF LIABILITY AND IMMUNITIES	123
§10. PASSENGER CARRIAGE	124
I. General	124
II. Contracts for the Carriage of Passengers by Sea	124
III. Contract of Sea Cruise	125
§11. CLAIMS AND ACTIONS	125
<b>Chapter 7. Limitation of Ship Owner's Liability</b>	<b>127</b>
§1. GENERAL LIMITATION OF LIABILITY	127
§2. LIMITATION OF LIABILITY FOR POLLUTION	130
§3. LIMITATION OF LIABILITY FOR NUCLEAR DAMAGE	132
<b>Chapter 8. Collisions</b>	<b>134</b>
§1. INTRODUCTION	134
§2. COLLISION AVOIDANCE RULES	134
I. History	134
II. Liability for Collision	135
A. Applicability of the Rules	135
B. Liability Rules	136

## Table of Contents

Chapter 9. General and Particular Average	137
§1. GENERAL AVERAGE	137
§2. PARTICULAR AVERAGE	140
Chapter 10. Salvage	141
§1. INTRODUCTION	141
§2. HISTORY OF SALVAGE	141
§3. LEGAL REGULATION OF SALVAGE	142
I. Private Law Relations	142
II. Public Law Relations	143
§4. 'NO CURE NO PAY'	143
§5. LIFE RESCUE	144
§6. SALVAGE REMUNERATION	144
I. Contract Salvage	146
II. Special Compensation	146
III. State-Owned Cargoes	147
§7. CONCLUSION	147
Chapter 11. Towage	148
§1. INTRODUCTION	148
§2. DEFINITION OF TOWAGE CONTRACT	148
§3. ENTERING INTO A TOWAGE CONTRACT	149
§4. DUTIES OF TUG AND TOW	150
§5. CONTROL AND LIABILITY IN TOWAGE	150
Chapter 12. Marine Insurance in Ukraine	152
§1. LEGAL REGULATION OF MARINE INSURANCE ACTIVITY IN UKRAINE	152
§2. CONTRACT OF MARINE INSURANCE	152
§3. SUBROGATION	154

## Table of Contents

§4. ABANDONMENT	154
§5. POLICY	155
§6. INSURANCE OF THE STATE SEAGOING VESSELS	156
<b>Chapter 13. Pilotage</b>	<b>157</b>
§1. INTRODUCTION	157
§2. LEGAL REGULATION	157
§3. DUTIES OF THE PILOT	159
§4. LIABILITY OF THE PILOT	159
<b>Chapter 14. Liability For Marine Pollution</b>	<b>160</b>
§1. INTRODUCTION	160
§2. LEGAL REGULATION	160
§3. SOURCES OF POLLUTION	161
§4. LIABILITY REGIME	163
§5. MARINE POLLUTION CONTROL AND COOPERATION	164
<b>Part III. Other Transport</b>	<b>165</b>
<b>Chapter 1. General Introduction to Transport Law</b>	<b>165</b>
§1. INTRODUCTION	165
§2. LICENSING OF TRANSPORT ACTIVITY IN UKRAINE	165
§3. INSURANCE	166
I. General	166
II. Compulsory Personal Insurance from Accidents on Transport	167
III. Insurance Related to the Carriage of Dangerous Goods	168
§4. GENERAL PROVISIONS OF THE CIVIL CODE OF UKRAINE ON CARRIAGE OF PASSENGERS AND GOODS	169
I. Carriage of Passengers	169
II. Carriage of Goods	169

## Table of Contents

§5. LIABILITY PROVISIONS AND EXONERATION OF LIABILITY	170
§6. TIME-LIMITS FOR CLAIMS AND ACTIONS	171
Chapter 2. Carriage by Road	173
§1. INTRODUCTION	173
§2. LEGAL REGULATION	173
I. International Treaties	173
II. National Legislation	175
§3. INSURANCE PROVISIONS	177
§4. CARRIAGE OF PASSENGERS	178
§5. CARRIAGE OF GOODS	180
§6. LIABILITY OF THE CARRIER	181
Chapter 3. Carriage by Rail	184
§1. INTRODUCTION	184
§2. LEGAL REGULATION	184
I. International Treaties	184
II. National Legislation	185
§3. CARRIAGE OF PASSENGERS	187
§4. CARRIAGE OF GOODS	188
§5. LIABILITY OF THE CARRIER	190
Chapter 4. Carriage by Air	193
§1. INTRODUCTION	193
§2. LEGAL REGULATION	194
I. International Treaties	194
II. National Legislation	195
§3. INSURANCE	196
§4. AIRCRAFT	197



## Table of Contents

§5. CARRIAGE OF PASSENGERS	198
§6. CARRIAGE OF GOODS	200
§7. LIABILITY PROVISIONS	201
§8. CLAIMS AND ACTIONS	202
Chapter 5. Freight Forwarding Activity	204
Chapter 6. Carriage by Inland Waterways	207
Chapter 7. Carriage by Pipelines	209
§1. INTRODUCTION	209
§2. LEGAL REGULATION	210
Chapter 8. Transit of Goods	212
Chapter 9. Multimodal Transportation	215
§1. INTRODUCTION	215
§2. LEGAL REGULATION	215
I. International Regulation	215
II. National Legislation	217
A. Carriage by Road	217
B. Carriage by Rail	218
C. Carriage by Air	218
D. Carriage by Sea	219
E. Carriage by Inland Waterways	219
§3. REGIONAL AGREEMENTS ON MULTIMODAL TRANSPORT	219
Selected Bibliography	223
Table of Cases	225
Index	227

**Table of Contents**

<http://www.pbookshop.com>