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FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION

ORDER

dated March 25, 2023 N 137

**ON THE APPROVAL OF THE ORDER
OBTAINING THE PERMISSION OF THE BORDER AUTHORITIES FOR
MULTIPLE
CROSSING THE STATE BORDER BY FOREIGN VESSELS
OF THE RUSSIAN FEDERATION AT SEA WITHOUT PASSING THE
BORDER,
CUSTOMS (IN PART OF CUSTOMS OPERATIONS,
ASSOCIATED WITH THE ARRIVAL (DEPARTURE) OF VESSELS)
AND OTHER TYPES OF CONTROL**

In accordance with paragraph 4 of Article 9.1 of the Law of the Russian Federation of April 1, 1993 N 4730-I "On the State Border of the Russian Federation" <1>, paragraph 1 and subparagraph 5 of paragraph 11 of the Regulations on the Federal Security Service of the Russian Federation, approved by Decree of the President of the Russian Federation of August 11, 2003 N 960 <2>, I order:

<1> Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, N 17, Art. 594; Collection of Legislation of the Russian Federation, 2018, N 31, art. 4859; 2022, No. 45, Art. 7672.

<2> Collected Legislation of the Russian Federation, 2003, N 33, art. 3254; 2007, N 1, art. 205; 2021, No. 23, Art. 4037.

approve the attached procedure for obtaining permission from border authorities for foreign ships to repeatedly cross the state border of the Russian Federation at sea without going through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control.

Director

A.BORTNIKOV

Approved

by order of the FSB of Russia

dated March 25, 2023 N 137

ORDER

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MULTIPLE
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BORDER,
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AND OTHER TYPES OF CONTROL**

1. After passing border and customs control, and in cases established by international treaties of the Russian Federation and federal laws, and other types of control at checkpoints across the state border of the Russian Federation, upon arrival on the territory of the Russian Federation, foreign ships specified in subparagraph "a" of paragraph 1 of Article 9.1 of the Law of the Russian Federation of April 1, 1993 N 4730-1 "On the State Border of the Russian Federation" <1>, can

carry out repeated crossings of the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to with the arrival (departure) of ships) and other types of control <2> based on the permission of the border authorities to repeatedly cross the state border at sea <3>.

<1> Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, N 17, Art. 594; Collection of Legislation of the Russian Federation, 2018, N 31, art. 4859; 2022, No. 45, Art. 7672. Next - foreign ships.

<2> Further - repeated crossing of the state border at sea.

<3> Next - resolution.

2. In order to obtain a permit, the shipowner or a person authorized by him <4> sends an application for permission to repeatedly cross the state border by a foreign vessel of the Russian Federation at sea without passing border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control <1>, in the form in accordance with Appendix No. 1 to this Procedure.

<4> Further - the applicant.

<1> Next - the statement.

3. The application shall be sent by facsimile or e-mail no later than 10 business days prior to the day of arrival of the foreign ship in the Russian port.

4. Attached to the application:

a) a plan for the passage of a foreign vessel <2>;

<2> Paragraph 5.3 of the Annex to the International Convention on Search and Rescue at Sea of 1979 (Collection of International Treaties of the USSR. Issue XLIV. - M., 1990. P. 225 - 238), ratified by the Decree of the Presidium of the Supreme Soviet of the USSR of March 3, 1988 N 8556-XI "On the ratification of the International Convention on Search and Rescue at Sea of

1979" (Vedomosti of the Supreme Soviet of the USSR, 1988, N 10, item 151). Entered into force for the USSR on April 24, 1988.

b) crew list <3>;

<3> Standard 2.6 Annex "B" to the Convention to Facilitate International Maritime Navigation of 1965 (official Internet portal of legal information <http://pravo.gov.ru>). Entered into force for the USSR on March 5, 1967.

c) list of passengers (if there are passengers).

5. The applicant, on his own initiative, may attach to the application a copy of the permission to carry out cabotage, as well as the recovery of property sunken in the sea, hydrotechnical, underwater technical and other similar works in internal sea waters using ships flying the flags of foreign states and (or) in the territorial sea of the Russian Federation, marine resource research (excluding seismic surveys), exploration (excluding seismic surveys) and development of mineral resources of the seabed and its subsoil in internal sea waters and (or) in the territorial sea of the Russian Federation, in the exclusive economic zone of the Russian Federation and on the continental shelf of the Russian Federation <1> (if the availability of the said permit is provided for by the legislation of the Russian Federation).

<1> Decree of the Government of the Russian Federation of December 7, 2020 N 2033 "On the cases and procedure for carrying out activities using ships flying the flags of foreign states" (Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 2020, N 50, Art. 8234). In accordance with paragraph 6 of the Decree of the Government of the Russian Federation of December 7, 2020 N 2033, this act is valid until January 1, 2027. Further - permission to carry out cabotage and other activities.

If a copy of the permit for cabotage and other activities is not submitted by the applicant on his own initiative, the information contained in it, necessary for making a decision on issuing a permit, is requested by the border authorities in the state bodies that have the relevant information at their disposal, including within the framework of the interdepartmental information interactions.

6. The application and the documents attached to it are registered at the border agency in the register of applications.

7. The decision to issue or refuse to issue a permit is made by the head of the border authority or an official authorized by him of the border authority <2> within 8 working days from the date of receipt of the application.

<2> Next - an official of the border authority.

8. A permit for a foreign ship to repeatedly cross the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control is issued in the form in accordance with Appendix No. 2 to this Procedure, signed by an official of the border authority and certified by the seal of the border authority.

9. The permit is issued for the period specified in the application (but not more than 1 year), and within the period of validity of the permit for cabotage and other activities (if the existence of such permit is provided for by the legislation of the Russian Federation).

The permit is valid within the limits of the route of navigation of a foreign ship indicated in it and (or) the area in which it is supposed to repeatedly cross the state border at sea by a foreign ship.

10. The permit is sent to the applicant by registered mail with a return receipt within 2 working days from the date of the decision to issue it. At the same time, a copy of the permit is sent to the applicant by facsimile or e-mail.

Copies of the permit are also sent to the customs authority in the region of activity of which the port is located, from which the departure of a foreign vessel is planned for the purpose of repeatedly crossing the state border at sea, and to the captain of this port by facsimile or e-mail within 1 working day from the date of the decision on issuance of the said permit.

11. If there are grounds for refusing to issue a permit specified in paragraph 12 of this Procedure, a notice of refusal to issue a permit for a foreign vessel to repeatedly cross the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to with the arrival (departure) of ships) and other types of control (the recommended sample is given in Appendix No. 3 to this Procedure). This notification is signed by an official of the border authority and sent to the applicant by registered mail with a return receipt within 2 working days from the date of the decision to refuse to issue a permit. At the same time, a copy of the said notice shall be sent to the applicant by facsimile or e-mail.

12. The grounds for refusal to issue a permit are:

a) filing an application in violation of the requirements established by paragraphs 2-4 of this Procedure;

b) the presence of false or incomplete information in the application;

c) creating a threat to the security of the Russian Federation;

d) violation of the legislation of the Russian Federation on the state border of the Russian Federation, committed by the captain of a foreign ship or ship owner, within 1 year preceding the day the application was sent.

13. The permission is terminated in the following cases:

a) refusal of the applicant from the possibility of repeated crossing of the state border at sea. The applicant must immediately notify the border authority that issued the permit by facsimile or e-mail of his decision;

b) termination of the permit for cabotage and other activities (if the availability of the said permit is provided for by the legislation of the Russian Federation);

c) reporting false information about the location of a foreign vessel;

d) violation by the captain of a foreign vessel during the period of validity of the permit of international treaties of the Russian Federation and the legislation of the Russian Federation on the state border of the Russian Federation, as well as failure to comply with the requirements specified in paragraphs 18 - 23 of this Procedure.

14. The validity of the permit is suspended if the technical means of monitoring the position of the vessel stop transmitting information about the position of a foreign vessel for more than 6 hours.

15. The decision to terminate (suspend) the validity of the permit is made by an official of the border authority, after which the applicant and the captain of the foreign vessel are immediately sent by facsimile or e-mail a notification of the termination (suspension) of the permit for the foreign vessel to repeatedly cross the state border of the Russian Federation at sea without going through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control (the recommended sample is given in Appendix No. 4 to this Procedure), indicating the grounds for making such a decision.

An entry in the ship's log shall be made on the receipt of the said notification by the captain of a foreign vessel.

Simultaneously with the direction of the said notice, its copy shall be sent by facsimile or e-mail by an official of the border authority to the customs authority in the region of operation of which the port from which the departure of the foreign vessel is planned (the foreign vessel has departed) for the purpose of repeatedly crossing the state border at sea.

In the event of termination of the permit when the foreign ship is outside the territorial sea of the Russian Federation, the captain of the foreign ship shall take measures to call the foreign ship as soon as possible at the nearest Russian port along the route.

16. The validity of a suspended permit shall be resumed by decision of an official of the border authority after the elimination of the reason that served as the basis for its suspension.

17. Registration and recording of issued permits, notifications of refusal to issue permits or termination (suspension) of their action are carried out by the border authority in the register of applications and created information systems of border authorities.

18. No later than 4 hours before the departure of the foreign vessel from the Russian port, the captain of the foreign vessel or the applicant shall send a notification by facsimile or e-mail about the departure of the foreign vessel from the Russian port in order to repeatedly cross the state border of the Russian Federation at sea without passing the border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control <1> (the recommended sample is given in Appendix No. 5 to this Procedure), indicating, among other things, the identifier of the maritime mobile service MMSI <2> to the border authority, in the area of responsibility of which the specified port (nearest border authority) is located, and a list of crew members of a foreign ship, as well as a list of passengers (if there are passengers) is submitted.

<1> Next - notification of the ship's departure from the port.

<2> Subparagraph "b" of paragraph 3 of the Rules for the transfer to the border authorities of the federal security service of data on the location of ships repeatedly crossing the state border of the Russian Federation without passing through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control approved by Decree of the Government of the Russian Federation of August 15, 2014 N 811 (Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 2014, N 34, Art. 4669; 2019, N 14, Art. 1531).

19. The captain of a foreign ship or the applicant, within 1 hour after sending the notification of the vessel's departure from the port to the border authority, by telephone, checks whether it has been received by the border authority.

20. The departure of a foreign vessel from the Russian port before the time specified in the notice of the vessel's departure from the port is not allowed.

21. If a foreign vessel refuses to leave a Russian port for the purpose of repeatedly crossing the state border at sea, the captain of the foreign vessel or the applicant shall immediately, by facsimile or e-mail, inform the border authority to which the notice of the vessel's departure from the port has been sent, and by after 1 hour, checks by telephone whether the border authority has received the specified information.

22. On changes in the lists of crew members of a foreign ship and (or) passengers (if there are passengers) at the time of the departure of a foreign ship from a Russian port, the captain of a foreign ship by facsimile or e-mail notifies the border agency in whose area of responsibility the specified port is located (nearest border authority).

23. Changing the declared route of navigation, as well as the date, time and geographical coordinates of the place where a foreign ship crosses the state border of the Russian Federation at sea is carried out in agreement with the border authority closest to the place where the state border of the Russian Federation is crossed at sea, except for cases provided for by the legislation of the Russian Federation. Federation.

24. When actually crossing the state border of the Russian Federation at sea, the captain of a foreign ship, by radio, facsimile or e-mail, notifies the border authority closest to the place of crossing the state border of the Russian Federation at sea, of the time and geographical coordinates of the place of crossing the state border of the Russian Federation at sea about which an entry is made in the logbook.

Appendix No. 1
to the Order (clause 2)

Form

Statement

on permission for a foreign ship to repeatedly cross the state border of the Russian Federation at sea without passing border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control

To whom.....(name of border authority)

From whom..... (full and abbreviated (if any) name of the applicant - legal entity,

his address within the location or surname, name, patronymic (if any) of the applicant -

natural person, date of his birth, series, number, date of issue of the document certifying

his identity, address of registration at the place of residence (stay), subscriber telephone number, fax phone number (if available), email address (if available)

I ask you to allow the repeated crossing of the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control for a foreign vessel

(name of the foreign ship, flag state of the foreign ship, identification number assigned by the International Maritime Organization (if any), Maritime Mobile Service Identity MMSI (if available), call sign, home port) to implement (kind of activity in the field of merchant shipping)

Information about the owner of a foreign vessel..... (full and abbreviated (if any) the name of the legal entity, its address within the location or surname, name, patronymic (if any) of an individual, date of birth, series, number, date of issue of the document, proving his identity, address of registration at the place of residence (stay), subscriber phone number, fax phone number (if available), email address (if available)

Information about the shipowner.....(full and abbreviated (if any) name, legal entity, his address within the location or surname, name, patronymic (if any) of an individual, date of birth, series, number, date of issue of the document, proving his identity, address of registration at the

place of residence (stay), subscriber phone number, fax phone number (if available), email address (if available)

Information about the captain of a foreign ship.....(last name, first name, patronymic (if any), detailed document proving his identity, address of registration at the place of residence (stay)

Description of the sailing route of a foreign ship, indicating the geographical coordinates and the estimated date and time of each crossing of the state border of the Russian Federation at sea _____

How to obtain information about the issuance of a permit- (fax or email - please specify)

I confirm the availability and operability of technical means of control that ensure the constant automatic, uncorrectable transmission of information about the location of ships and other technical means of monitoring the location of ships, the need to equip which is provided for by paragraph 2 of Article 9.1 of the Law of the Russian Federation of April 1, 1993 N 4730-I "On the State Border Russian Federation".

_____ 20__

(signature, initials and surname of the applicant)

Appendix No. 2
to the Order (clause 8)

Form

Permission

for repeated crossing by a foreign ship of the state border of the Russian Federation at sea without passing border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control

_____ 20__ Series _____ N _____

foreign ship (name of the foreign ship, flag state of the foreign ship, identification number assigned by the International Maritime Organization (if any), Maritime Mobile Service Identity MMSI (if available), call sign, home port) multiple crossing the state border is allowed in the Russian Federation at sea for the implementation of _____

(Kind of activity in the field of merchant shipping)

Description of the sailing route of a foreign ship and (or) the area in which it is supposed to repeatedly cross the state border of the Russian Federation at sea, indicating the geographical coordinates, the expected date and time of each crossing the state border of the Russian Federation

The permit is valid until _____ 20__.

(position) (signature) (initials, surname)

_____ 20__

M.P.

Appendix No. 3
to the Order (clause 11)
Recommended Pattern

Notification

on the refusal to issue a permit for a foreign ship to repeatedly cross the state border of the Russian Federation at sea without passing border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control

To whom.....

(full and abbreviated (if any) name of the applicant - legal entity, his address within the location or surname, name, patronymic (if any) of the applicant - an individual)

foreign ship.....

(name of the foreign ship, flag state of the foreign ship, identification number assigned by the International Maritime Organization (if any), Maritime Mobile Service Identity MMSI (if available), call sign, home port) denied issuance of a permit for the repeated crossing of the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control.

Reason for refusal.....

(indicate one or more grounds provided for in paragraph 12)

The procedure for obtaining permission from the border authorities for repeated crossing by foreign ships the state border of the Russian Federation at sea without passing the border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control, approved by order of the FSB of Russia dated March 25, 2023 N 137)

(position) (signature) (initials, surname)

Appendix No. 4
to the Order (clause 15)
Recommended Pattern

Notification

on the termination (suspension) of a permit for a foreign ship to repeatedly cross the state border of the Russian Federation at sea without passing through border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control

To whom

(full and abbreviated (if any) name of the applicant - legal entity, his address within the location or surname, name, patronymic (if any) of the applicant - an individual),

foreign ship (name of the foreign ship, flag state of the foreign ship, identification number assigned by the International Maritime Organization (if any), Maritime Mobile Service Identity MMSI (if available), call sign, home port)

The validity of the permit for the repeated crossing of the state border of the Russian Federation at sea series _____ N _____,

issued on __ _____ 20__

(border authority that issued the permit) terminated (suspended) from (date and time of termination (suspension) of the permit)

Grounds for termination (suspension) of the permit (one or several grounds provided for in paragraph 13 or 14 of the Procedure for obtaining a permit of the border authorities to foreign vessels for repeated crossing of the state border of the Russian Federation at sea without passing the border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control approved by order of the FSB of Russia dated March 25, 2023 N 137)

(position) (signature) (initials, surname)

__ _____ 20__

Appendix No. 5
to the Order (clause 18)

Recommended Pattern

Notification

on the departure of a foreign ship from a Russian port for the purpose of repeatedly crossing the state border of the Russian Federation at sea without passing border, customs (in terms of customs operations related to the arrival (departure) of ships) and other types of control

To whom(name of border authority)

From whom.....(full and abbreviated (if any) name of the applicant - legal entity, its address within the location or last name, first name, patronymic (if any) of the applicant - an individual or captain of a foreign vessel, date of his birth, series, number, date of issue of a document certifying his identity, address of registration at the place of residence (stay), subscriber telephone number, fax phone number (if available), email address (if available)

foreign ship.....(name of the foreign ship, flag state of the foreign ship, identification number assigned by the International Maritime Organization (if any), Maritime Mobile Service Identity MMSI (if available), call sign, home port) having permission to repeatedly cross the state border of the Russian Federation at sea series _____ N _____,

issued on __ _____ 20__,

(border authority that issued the permit) intends to leave the port (port name, date and time of departure from the port)

(signature) (initials and surname of the applicant or the captain of the foreign vessel)

__ _____ 20__

