



12. ROMANIA

Act concerning the Legal Regime of the Internal Waters, the Territorial Sea and the Contiguous Zone of Romania, 7 August 1990*

[Original: Romanian]

CHAPTER I

The territorial sea and the internal waters of Romania

Article 1

The territorial sea of Romania includes the zone of the sea adjacent to the coast or, where applicable, the internal waters, having a width of 12 nautical miles (22,224 m) measured from the baselines.

The baselines are the lines of low tide along the coast or, where applicable, the straight lines which join the most advanced points of the coast, including the coasts of islands, mooring places, hydrotechnical works and other permanent harbour installations.

The geographical coordinates of the points between which the straight baselines are drawn are listed in the annex.

The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles measured from the nearest point of the baselines.

Article 2

The territorial sea of Romania shall be delimited from the territorial sea of neighbouring States through agreements concluded with each of the said States, in conformity with the principles and norms of international law.

Article 3

The outer and lateral limits of the territorial sea, established in accordance with the provisions of articles 1 and 2, shall constitute the marine State frontier of Romania.

Article 4

The waters situated between the sea coast and the baselines established in article 1 shall constitute the internal waters of Romania.

Article 5

The internal waters, the territorial sea and the soil and subsoil thereof, together with the airspace above them, shall be part of the territory of Romania.

* Translation provided by the United Nations Secretariat. Text communicated to the Secretariat in Romanian and French by a note verbale dated 5 June 1991; published in the official Gazette on 9 August 1990.

In the said spaces Romania shall exercise sovereignty in conformity with its national laws and with the provisions of the international conventions to which it is a party, having due regard for the principles and norms of international law.

CHAPTER II

The contiguous zone of Romania

Article 6

The contiguous zone of Romania is the zone of the sea adjacent to the territorial sea and extending along the sea coast to a distance of 24 nautical miles measured from the baselines established in article 1.

Article 7

In its contiguous zone Romania shall exercise control to prevent and punish infractions of its customs, fiscal and sanitary laws and regulations and infractions relating to the crossing of the State frontier.

CHAPTER III

Innocent passage through the territorial sea

SECTION A

Rules applicable to all foreign ships

Article 8

Innocent passage of foreign ships through the territorial sea of Romania shall take place under the conditions established in this Act and in other regulations in force, subject to observance of the norms of international law.

The term "passage" means navigation through the territorial sea for the purpose of:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

The passage shall be continuous and expeditious. The ships shall follow the recommended maritime routes, channels and passes specified on marine charts and in navigational documents.

During its innocent passage a ship shall not be permitted to stop or anchor except in cases when that is necessitated by the needs of navigation or as the result of a case of force majeure or distress for the purpose of saving persons or rendering assistance to ships or aircraft in danger or distress.

Article 9

The passage of a foreign ship through the territorial sea is innocent as long as it is not prejudicial to peace, good order or national security.

Passage shall be considered to be prejudicial to peace, good order or national security if in the territorial sea or the internal waters the said ship engages in one of the following activities:

- (a) The threat or use of force against the sovereignty, territorial integrity or political independence of Romania or in any other manner in violation of the principles of international law;
- (b) Practice or exercise with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of national defence or security;
- (d) Any act of propaganda aimed at affecting the national defence or security;
- (e) The launching from the ship, the landing on the ship's deck or the taking on board the ship of flying apparatus of any kind;
- (f) The launching, landing or taking on board of any military device, divers, submarines, other underwater vehicles or any other installations capable of carrying on underwater research;
- (g) The loading or unloading of any commodity, currency or persons contrary to the laws and regulations in force;
- (h) Wilful and serious pollution, of any kind, of the water and the atmosphere;
- (i) Any fishing activities;
- (j) Any scientific or archaeological research or hydrographic survey;
- (k) Any activity carried out in violation of international regulations in the field of radio communications aimed at interfering with any system of communications or any other facilities or installations;
- (l) Any other activity not having a direct bearing on the passage or carried out in violation of the conditions established in this Act.

Article 10

No ship may enter the territorial sea, the internal waters or port facility of Romania if it has on board any nuclear weapons or chemical or other weapons of mass destruction, or if it transports such weapons or ammunition for them or any other merchandise or products prohibited by the laws of Romania.

Article 11

Foreign nuclear-powered ships may enter roadsteads or port facilities only with prior approval from the competent Romanian authorities, which must be requested at least 30 days before the date of entry.

Article 12

Foreign nuclear-powered ships and foreign ships which transport radioactive substances or other dangerous substances shall, when exercising the right of innocent passage through the territorial sea, carry documents established by international agreements for such ships and the cargo they are transporting and observe special precautionary measures established by the said agreements.

Article 13

Inspection of the safety documents of nuclear-powered ships and of ships which transport radioactive substances or other dangerous substances, dosimetric inspections and all other inspections related to the protection of the environment shall be carried out by the competent Romanian authorities, at the places established therefor. During such time as the ships are stopped in port facilities or roadsteads, additional inspections may be carried out.

If as a result of the inspection it is found that the presence of a ship may lead to dangerous consequences, the competent Romanian authorities may order the ship concerned to leave the territorial sea within a prescribed period of time.

Article 14

Foreign ships exercising the right of innocent passage through the territorial sea or are stopped in port facilities or roadsteads may use radio navigation equipment, hydro-acoustic apparatus and radio communication apparatus, electronic and optical observation systems only for the needs of safety of navigation and of lying at anchor and for communicating with the port facility authorities and carrying on radio traffic, in clear or using codes, with Romanian land stations, following the rules and procedures prescribed in the Radio Regulations annexed to the International Convention on Telecommunications.

Article 15

The competent Romanian authorities shall take the necessary measures to prevent any violation of the conditions established by the regulations in force in connection with the admittance of foreign ships into the internal waters or port facilities and shall use all legal means, including coercive measures, to prevent the passage of any foreign ship through the internal waters or the territorial sea when such passage is not innocent.

Article 16

The competent Romanian authorities may, in specified zones of the territorial sea, temporarily suspend the innocent passage of foreign ships if such suspension is required in order to ensure the security of the country or is necessary for the execution of military exercises.

The measures for the suspension of innocent passage provided for in the preceding paragraph shall be published in the "notices to mariners" issued by the competent Romanian authorities.

SECTION B

Rules applicable to foreign ships used for commercial purposes

Article 17

The criminal jurisdiction of Romania shall be applicable with respect to any infraction committed in Romanian territory by persons embarked on board foreign ships used for commercial purposes and shall also be applicable in respect of any infraction committed on board such a ship during the time when it is in Romanian harbours or in the internal waters.

The criminal jurisdiction of Romania shall not be exercised on board a foreign ship used for commercial purposes which is in passage through the territorial sea, with respect to an infraction committed on board that ship, with the exception of those cases in which:

- (a) The infraction has been committed by a Romanian national or by a stateless person domiciled in the territory of Romania;
- (b) The infraction is directed against the interests of Romania or against a Romanian national or a person resident in the territory of Romania;
- (c) The infraction is of such a nature as to disturb the good order and peace of the country or order in the territorial sea;
- (d) The exercise of Romanian jurisdiction is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances;
- (e) The assistance of the Romanian authorities has been requested, in writing, by the master of the ship or by a diplomatic agent or consular officer of the flag State.

Article 18

The criminal jurisdiction of Romania shall also be applicable in the case of violations of Romanian legislation in force with regard to the exclusive economic zone of Romania in the Black Sea by persons embarked on board foreign ships used for commercial purposes if the acts in question are committed under such conditions that they are considered infractions under the criminal law.

Article 19

Criminal jurisdiction on board a ship flying the flag of a State with which Romania has concluded a consular convention or other similar agreement shall be exercised with due regard for the provisions of the said convention or agreement.

Article 20

In the exercise of Romania's jurisdiction, the competent Romanian authorities may, in conformity with the legal provisions in force, order the detention or arrest of a foreign ship used for commercial purposes and levy execution against such a ship which is in the territorial sea or in the internal waters of Romania, in order to ensure the performance of contractual obligations or other obligations assumed by the ship in question during or in connection with its passage through the territorial sea of Romania, as well as for other claims resulting from navigational incidents which have resulted in damage to the ship or its cargo or have taken place as a result of boarding, assistance or salvage and for compensation, charges and the like.

SECTION C

Rules applicable to warships, submarines and other submersible vehicles and to other government ships operated for non-commercial purposes

Article 21

Foreign warships, submarines and other submersible vehicles and other government ships operated for non-commercial purposes may enter the territorial sea, harbours and roadsteads only with prior approval from the Romanian Government, except in cases in which they have suffered damage or are taking refuge from storms.

Approval must be requested at least 30 days before the scheduled date of the passage through the territorial sea or the call at harbours or roadsteads, except where otherwise agreed between Romania and the flag State.

Article 22

Foreign submarines and other foreign submersible vehicles passing through the territorial sea shall be required to navigate on the surface and to show their national flag. Those which are submerged shall be required to surface. In those cases in which, as a result of damage, they cannot reach the surface, they shall be required to signal their situation by every possible means.

Article 23

If a foreign warship does not comply with the laws and regulations of Romania in internal waters or in the territorial sea and disregards any request for compliance, it shall be required to leave the territorial sea of Romania immediately.

Article 24

Flag States shall bear international responsibility for any loss or damage caused by a foreign warship or by any other government ship operated for non-commercial purposes, as well as by any persons who are members of the crews of such ships, when the ship in question has been in the harbours, the internal waters and the territorial sea of Romania.

Article 25

Subject to the exceptions specified in section A and the conditions established in articles 21 to 24, foreign warships and other government ships operated for non-commercial purposes shall enjoy sovereign immunity during the time when they are in the harbours, the internal waters and the territorial sea of Romania.

CHAPTER IV

Right of hot pursuit beyond the territorial sea

Article 26

A foreign ship operated for commercial purposes may be pursued beyond the territorial sea of Romania and may be detained in order to establish its responsibility if there is good reason to believe that the ship has violated Romanian laws and regulations during the time when it was in the national waters, the internal waters, the territorial sea or the contiguous zone of Romania.

The hot pursuit may commence when the foreign ship or one of its boats is within the internal waters, the territorial sea or the contiguous zone.

The hot pursuit shall commence when the foreign ship fails to obey the order to stop, and it may be continued without interruption until the pursued ship enters the territorial sea of its own State or of a third State.

A ship arrested in accordance with the provisions of this article may be escorted to the nearest Romanian harbour for the purposes of an inquiry and the imposition of penalties.

If a ship has been arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 27

The right of hot pursuit provided for in the preceding article shall also apply in cases in which a foreign ship used for commercial purposes violates Romanian legislation relating to the exclusive economic zone of Romania in the Black Sea.

In such cases, the hot pursuit may commence only when the foreign ship concerned, or one of its boats, is in the internal waters, the territorial sea or the exclusive economic zone of Romania.

CHAPTER V

Scientific research in the territorial sea of Romania

Article 28

Scientific research activity, as well as activity relating to prospecting and the regulation of maritime traffic in the territorial sea of Romania, shall be carried out by the specialized Romanian institutions in accordance with approved programmes and with the advice of the competent Romanian authorities.

Article 29

Foreign individuals and bodies corporate may carry on scientific research in the territorial sea of Romania only with the express consent of the competent Romanian authorities and in accordance with the conditions prescribed by the said authorities.

CHAPTER VI

Protection of the marine environment

Article 30

The competent Romanian authorities shall establish regulations concerning the prevention, reduction and control of pollution of the marine environment and shall ensure compliance thereof in the port facility, the internal waters and the territorial sea of Romania.

Article 31

In accordance with the legislation in force, it shall be prohibited to pollute the internal waters and the territorial sea, or the atmosphere above them, by the disposal, dumping or discharge from a ship or other floating or fixed installation, from flying apparatuses or from land-based sources, of any toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or of creating obstacles to the legitimate uses of the sea.

Article 32

When there are reasonable grounds for believing that a ship used for commercial purposes which is in the internal waters or the territorial sea has violated Romanian law or international rules relating to the prevention, reduction and control of pollution of the marine environment, the competent Romanian authorities shall have the right to ask the ship in question to give information regarding its actions and to undertake physical inspection of that ship if the ship refuses to give information or if the information supplied is at variance with the evident factual situation.

Article 33

When there is clear objective evidence that a ship used for commercial purposes which is in the internal waters or the territorial sea has in those waters or in the exclusive economic zone of Romania committed a violation referred to in articles 30 and 31 resulting in a discharge of radioactive substances, hydrocarbons or other substances and residues which have caused major damage or threat of major damage to the Romanian coastline or to any resources of the internal waters and the territorial sea, the competent Romanian authorities may detain the ship and institute legal proceedings with respect to that violation, in accordance with Romanian legislation.

Article 34

In case of collision or stranding or any other maritime damage to a ship taking place in the internal waters or the territorial sea and when such an event may have consequences harmful to the internal waters and the territorial sea or to the Romanian coastline, the competent Romanian authorities shall have the right to take all necessary measures, proportionate to the actual damage or the threat it represents, in order to provide protection against the pollution or the threat of pollution.

CHAPTER VII

Penalties

Article 35

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute infractions:

- (a) Violation of the prohibition referred to in article 10;
- (b) Violation of the prohibition referred to in article 31, as well as the illegal introduction, for purposes of the disposal, dumping or discharge into the internal waters or into the territorial sea of Romania, or the discharge into the atmosphere above them, from ships or other floating or fixed installations, from flying apparatuses or from submersible vehicles, of toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or creating obstacles to the legitimate uses of the sea;
- (c) Industrial fishing or any other activity involving illegal exploitation of the natural resources of the internal waters or the territorial sea, including the seabed and the subsoil of that zone;
- (d) Scuttling a ship in the internal waters or in the territorial sea or running a ship ashore on the coast;
- (e) The entry of nuclear-powered ships into Romanian harbours without approval from the competent Romanian authorities;
- (f) Failure to produce the documents provided for by international agreements for ships transporting radioactive or toxic substances or other dangerous substances and failure to take the precautionary measures provided for by those agreements;
- (g) The carrying on, without authorization from the competent Romanian authorities or in violation of the conditions established in such authorization, of scientific research activities, prospecting or other activities in the internal waters or the territorial sea of Romania;
- (h) The embarking or disembarking of persons or goods outside of harbours or places in which such operations are authorized;

(i) The unauthorized entry of a ship into a harbour which has been declared closed or into a zone of the territorial sea in which innocent passage has been temporarily suspended;

(j) Violation of the restrictions referred to in article 14;

(k) Violation of the prohibitions referred to in article 9 (e), (f) and (k);

(l) Failure to observe the rules established by the competent Romanian authorities with regard to the safety of navigation and the protection of telecommunication cables and submarine pipelines in the internal waters or the territorial sea.

The infractions referred to in items (a) to (g) shall be punishable by a fine of between 100,000 and 2,000,000 lei, and those referred to in items (h) to (l) shall be punishable by a fine of between 10,000 and 500,000 lei, the penalties being applied at the place where the infractions have been spotted.

Article 36

If the acts referred to in article 35 (a) to (g) have caused serious damage or have caused other grave consequences or have been committed repeatedly, the fine shall be from 1,000,000 to 2,000,000 lei.

For the acts referred to in article 35 (b) and (c), the penalty may, depending on the seriousness of the consequences and the extent of the damage, be a fine of between 2,000,000 and 10,000,000 lei.

In particularly serious situations, the competent Romanian authorities may order, as additional measures, the confiscation of the ship, the installations, the fishing gear, the apparatus and the other objects belonging to the person who used them to commit the infraction.

The goods acquired unlawfully shall be confiscated.

Article 37

The acts referred to in article 35 (d), (h), (i) and (j) shall not constitute infractions if they have been committed in order to guarantee the safety of a ship, to save human lives or to avoid damage to a ship or its cargo.

Article 38

The infractions shall be ascertained and the penalties shall be imposed, in conformity with the regulations in force, by the navigation monitoring and control authorities of the Ministry of Public Works, Transport and Territorial Administration and by the authorities specially empowered by the Ministry of National Defence, the Ministry of the Environment, the Ministry of the Interior, the Ministry of Agriculture and Food and the Ministry of Health, as well as by other legally authorized authorities.

Any objection to the infraction report may be filed, within a period of 15 days following the date of its communication, with the Sea and River Section of the Court of the Town of Constanta.

Article 39

The fines levied for infractions shall not exempt the violator from the obligation to furnish compensation for the damage caused on land, in the internal waters and in the territorial sea of Romania, in accordance with Romanian law.

Article 40

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 41

The provisions of Act No. 32/1968 relating to the establishment and punishment of infractions, with the exception of articles 25, 26 and 27 of that Act, shall be applicable to the infractions referred to in article 35.

Article 42

When acts have been committed which under Romanian law result in the arrest of the master of the foreign ship or the detention of the ship, the competent Romanian authorities shall immediately inform the diplomatic agents or consular officers of the flag State of the measures taken.

A detained ship and its crew shall be released immediately upon the payment of proper adequate security, in accordance with the legal provisions in force. The security shall be fixed in lei and shall be paid in convertible currency, by converting the sum in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 43

The authorities of the Ministry of National Defence shall ensure the application of the provisions of articles 21 to 23 and articles 26 and 27 and shall render assistance to other competent State authorities in the application of coercive measures against foreign ships in the territorial sea which are taken in accordance with the provisions of this Act.

CHAPTER VIII

Final provisions

Article 44

The term "territorial sea", as defined in article 1, shall replace the term "territorial waters" used in legal provisions prior to this Act.

Article 45

This act shall enter into force 90 days after the date of its publication in Monitorul Oficial al Romaniei.

GEOGRAPHICAL COORDINATES

of the points between which the straight baselines from which the width of the marine spaces of Romania is measured are drawn.

Geographical coordinates of the points

Segment	Points	Latitude	Longitude
A	1	45° 10' 51"	29° 45' 56"
	2	45° 08' 42"	29° 46' 20"
B	2	Same as segment A	
	3	44° 50' 23"	29° 36' 52"
C	3	The line of low tide	
	4		
D	4	44° 46' 52"	29° 31' 43"
	5	44° 43' 38"	29° 03' 10"
E	5	Same as segment D	
	6	44° 31' 26"	28° 52' 20"
F	6	Same as segment E	
	7	44° 07' 15"	28° 41' 50"
G	7	Same as segment F	
	8	43° 59' 14"	28° 40' 09"
H	8	Same as segment G	
	9	43° 44' 20"	28° 34' 51"