

MARITIME VESSEL REGISTRATION

In accordance with the current legal provisions regulating the registration of ships, namely:

- the Government Ordinance No. 42/28.08.1997 regarding maritime and inland waterway transport, republished with subsequent amendments and additions;
- the Ministerial Order No. 889/2013 regarding the registration and enrollment of vessels flying the Romanian flag;
- Regulation (EC) No 789/2004 of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91;
- Order No. 2/2004 of the Ministry of Transport, Construction, and Tourism regarding measures to increase the safety of navigation for Category I maritime vessels older than 20 years;
- Emergency Ordinance no. 80 of September 11, 2003 for Romania's acceptance of the amendments to the annex to the International Convention for the Protection of Life at Sea, 1974, as amended, and to the International Code for the Security of Ships and Port Facilities, adopted at the Conference of the International Maritime Organization, in London, between December 9-13, 2002;
- Resolution A.959(23). Format and Guidelines for the Maintenance of the Continuous Synopsis Record (CSR);
- Resolution MSC.160(78) adoption of the IMO Unique Company and Registered Owner Identification Number Scheme;
- Resolution MSC.198(80) adoption of Amendments to the Format and Guidelines for the Maintenance of the Continuous Synopsis Record (CSR)
- Resolution A. 1117(30) IMO SHIP IDENTIFICATION NUMBER SCHEME;
- Order No. 444 of April 11, 2018, issued by the Ministry of Transport, regarding the approval of fees for specific activities and operations carried out or related activities performed by the Romanian Naval Authority.

In accordance with the provisions of Article 45, para. (2) of the Government Ordinance No. 42/28.08.1997, the right to fly the Romanian flag is granted to:

- a) the ships owned by Romanian legal or natural persons, as well as ships owned by authorized natural persons, individual enterprises or family enterprises;
- b) the ships owned by natural persons who are citizens of an European Union member state or belong to the European Economic Area, or by legal persons based in the European Union or European Economic Area;
- c) the ships owned by foreign natural persons residing or having a residence in Romania, or by branches of foreign legal persons in Romania, other than those mentioned in letter b);
- d) the ships owned by legal or natural persons, other than the Romanian nationals, leased under bare-boat or leasing contracts for periods longer than one year by the Romanian or foreign legal or natural persons.

For granting the right to fly the Romanian flag to **newly built or acquired vessels or for their registration, the owner** shall submit the following documents to the designated harbor master's office:

- a) a standard application form requesting the right to fly the Romanian flag and to register the vessel, optionally including three proposed names - **F68IENR01**;
- b) the proof of ownership (original or certified copy);
- c) the builder's certificate for newly built vessels (original or certified copy);
- d) an inspection report for registration issued by the RNA (Romanian Naval Authority) or a class certificate and statutory certificates issued by RNA, by a recognized organization authorized by RNA or by a competent authority, as applicable, certifying that the vessel complies with the mandatory construction standards, current legislation and the provisions of international conventions to which Romania is a party (original);
- e) the tonnage certificate, if applicable (original or copy);
- f) for legal entities, the certificate of registration issued by the competent authority or the founding normative or administrative act and for the individuals, official documents proving citizenship and domicile/residence, as applicable;
- g) for the newly built vessels, a document issued by the authority of the state where they were built, certifying that they are newly built and unregistered, if applicable, a self-declaration attesting that the newly built vessel has not been registered yet (original);
- h) for the acquired vessels, a document certifying the vessel's deregistration issued by the competent authority of the state under whose flag it was previously registered (original);
- i) the proof of the vessel's fiscal registration by having the registration form endorsed by the Romanian tax authorities (original) - **F98 IERN01**;
- j) the approval issued by the specialized department within the National Agency for Fisheries and Aquaculture for fishing vessels or boats (original);
- k) two photographs of the vessel afloat, size 13/18 cm, from one side and from the stern, showing the vessel's identifying features.

For granting the right to fly the Romanian flag and for **the registration of vessels owned by foreign legal or natural persons, chartered through bareboat or financial leasing contracts for periods longer than one year, by the Romanian or foreign legal or natural persons** who request the right to fly the Romanian flag during the contract period, the vessel operator shall submit the following documents to the designated harbor master's office:

- a) a standard application for granting the right to fly the Romanian flag and vessel registration, optionally including three proposed names including the case that the name will be changed, accompanied by the owner's written consent - **F69IENR01**;
- b) the financial leasing contract or bareboat charter contract (original or certified copy);
- c) the owner's compliance permitting the ship to fly the Romanian flag during the execution period of the contract and in case that the name will be changed, as appropriate, if this does not expressly result from the contract (original);
- d) an inspection report for registration issued by the RNA (Romanian Naval Authority) or a class certificate and statutory certificates issued by the RNA, a recognized organization authorized by RNA, or a competent authority, as applicable, certifying that the vessel complies with the mandatory construction standards, current legislation, and the provisions of international conventions to which Romania is a party (original);
- e) the tonnage certificate, if applicable (original or copy);
- f) a document issued by the competent authority of the state where the vessel is registered, certifying the suspension of the previous flag right and any encumbrances and/or real guarantees attached to the vessel (original);
- g) if the vessel is subject to encumbrances and/or real guarantees, the express consent of the relevant creditors for chartering the vessel and registering it in the Romania's bareboat/leasing vessel register (original);
- h) for owners who are legal entities, the registration certificate issued by the competent authority or the founding normative or administrative act and for the owners who are natural persons, official documents proving citizenship and domicile/residence, as applicable;
- i) for operators who are legal entities, the registration certificate issued by the competent authority or the founding normative or administrative act; for operators who are natural persons, official documents proving citizenship and the domicile/residence, as applicable;
- j) proof of the vessel's fiscal registration by having the registration form endorsed by the Romanian tax authorities (original);
- k) the approval issued by the specialized department within the National Agency for Fisheries and Aquaculture for fishing vessels or boats (original);
- l) two photographs of the vessel afloat, size 13/18 cm, from one side and from the stern, showing the vessel's identifying features.

The right to fly the Romanian flag for vessels chartered under bareboat or financial leasing contracts is granted and can be extended during the duration of the contract, within the limit of the suspension period certified by the competent authority of the state where the vessel was registered.

The extension of the right to fly the Romanian flag for vessels chartered under bareboat or financial leasing contracts may be granted provided that both the bareboat or financial leasing contract and the suspension certificate issued by the competent authority of the state where the vessel was registered shall remain valid for the requested extension period.

The forms F68IERN01, F69IENR01 and F98IERN01 are available on the Romanian Naval Authority's website www.rna.ro, in the section Forms - Vessel Registration - "Maritime and Inland Navigation Vessels."

In accordance with the Order No. 2/2004 of the Ministry of Transport, Construction, and Tourism regarding measures to increase the safety of navigation for Category I maritime vessels older than 20 years, Art. 1, **a cargo and/or passenger ship** under the Romanian flag is understood to be any *vessel falling under the scope of international conventions, namely:*

- *The International Convention for the Safety of Life at Sea (SOLAS 74), with amendments and protocols, 1974, in force;*
- *The International Convention for the Prevention of Pollution from Ships, amended by the Protocol, 1973, concluded in London on December 17, 1978 (MARPOL 73/78), with amendments and protocols in force;*
- *The International Convention on Load Lines (LL 1966), with the amendments and protocols, in force;*
- *The International Convention on Tonnage Measurement of Ships (Tonnage 1969), 1969;*
- *The International Convention for Preventing Collisions at Sea (COLREG 1972), 1972, with up-to-date amendments;*
- *The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW 1978), 1978, with protocols and amendments in force;*
- *The International Convention concerning Minimum Standards in Merchant Ships (ILO 147/1976), 1976.*

The fee for vessel registration operations is regulated by the Order No. 444 of April 11, 2018, issued by the Ministry of Transport, regarding the approval of fees for specific activities and operations carried out or related activities performed by the Romanian Naval Authority.

The fees are set in EURO and collected in lei for operations related to vessels flying the Romanian flag. The fees paid in lei are updated monthly by the Romanian Naval Authority, recalculated based on the euro exchange rate in lei, as communicated by the National Bank of Romania for the last working day of the previous month.

Annex 1, item 3 of the O.M.T. 444/2018 - Registration/extension of the right to fly the Romanian flag/registration of ownership or other real rights for **maritime vessels engaged in international voyages:**

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| a) | TB < 500 | - rate | 600Euro |
| b) | 500 ≤ TB < 10000 | - rate | 600+0.36(TB-500)Euro |
| c) | 10000 ≤ TB < 30000 | - rate | 4020+0.24(TB-10000) Euro |
| d) | TB ≥ 30000 | - rate | 8820+0.12(TB-30000) Euro |

Annex 1, item 4 of the O.M.T. 444/2018 - Registration/extension of the right to fly the Romanian flag/registration of ownership or other real rights for **maritime vessels engaged in domestic voyages:**

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| a) | sea vessel TB > 500 | - rate | 420Euro |
| b) | sea vessel 15 < TB ≤ 500 | - rate | 240 Euro |
| c) | sea vessel ≤ 15 TB | - rate | 120 Euro |

According to the provisions of Art. 73 of the OMT No. 889/2013:

- (1) For any operation, the documents regulated in this Order shall be submitted or transmitted in original by the applicant, in a legalized copy, or in electronic format, to which an extended electronic signature has been incorporated, attached, or logically associated, as appropriate. An exception is the title of ownership, as defined in Art. 15, which shall be submitted in an authenticated form. The power of attorney of the legal representative of the legal entity or a notarized special power of attorney shall be attached, if the documents are submitted by a person other than the holder.
- (2) Documents concerning vessels or owners, drafted in a language other than Romanian, shall be accompanied by a legalized translation.
- (3) The ascertaining certificate issued by the competent authority for legal entities, the certificate of suspension of the right to fly the previous flag and the document certifying the deregistration of vessels shall be submitted to the Romanian Naval Authority (RNA) within their validity period and/or within a maximum of 30 days from the date of issuance by the competent authority.

We specify that the public notary could legalize the translator's signature only if the private document presented meets the form conditions regulated by the provisions of Art. 319 of the Minister of Justice's Order No. 2333/C/2013 regarding the approval of the Regulation for the implementation of the Law on Public Notaries and Notarial Activities No. 36/1995.

Article 319. - (1) The document to be translated is presented to the public notary in one of the following forms:

- a) In original. The original may be a private document that has been, if applicable, given a certain date, legalized signature or certification, or it may be an authentic document;
- b) In a legalized copy or certified by the competent authority holding the original document in its archives.