



On approval of the Rules of Towing of Vessels, Rafts and Other Floating Facilities

Unofficial translation

Order of the Minister for Investments and Development of the Republic of Kazakhstan No. 423 dated May 12, 2016. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 13, 2016 under No. 13783.

Unofficial translation

In compliance with subparagraph 26-25) of paragraph 1 of Article 9 of the Law of the Republic of Kazakhstan dated July 6, 2004 "On Inland Water Transport" **I HEREBY ORDER** :

1. That the enclosed Rules of Towing of Vessels, Rafts and Other Floating Facilities shall be approved.

2. The Transport Committee of the Ministry for Investments and Development of the Republic of Kazakhstan (A. Asavbayev) shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) send a copy hereof in print and electronic form for official publication in periodicals and Adilet, the legal information system within ten calendar days after its state registration with the Ministry of Justice of the Republic of Kazakhstan, as well as to the Republican Legal Information Center within five working days from the date of receipt of the registered order for inclusion in the reference control bank of regulatory legal acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry for Investments and Development of the Republic of Kazakhstan and on the web-portal of government agencies;

4) within ten business days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit to the Legal Department of the Ministry for Investments and Development of the Republic of Kazakhstan the information on the implementation of measures provided for in subparagraphs 1), 2) and 3) of this paragraph.

3. The control over the execution of this order shall be assigned to the supervising Vice Minister for Investments and Development of the Republic of Kazakhstan.

4. This order shall become effective ten calendar days after the day of its first official publication.

*Minister
for Investments and Development
of the Republic of Kazakhstan*

A. Issekeshev

Approved
by order of the Minister
for Investments and Development of the

Rules for Towing of Vessels, Rafts and Other Floating Facilities

Chapter 1. General provisions

1. These Rules for Towing of Vessels, Rafts and Other Floating Facilities (hereinafter referred to as the Rules) are developed in accordance with subparagraph 26-25) of paragraph 1 of Article 9 of the Law of the Republic of Kazakhstan dated July 6, 2004 “On Inland Water Transport ” (hereinafter - the Law).

2. These Rules determine the procedure and conditions for drawing up an invoice, shipping and other documents, arranging towing, paying for towing services, presenting a towed facility for towing, crew requirements for rafts and other floating facilities, and persons towing, sending, reception and delivery of the towed facility.

3. The Rules shall apply to all ships, rafts and other floating facilities, regardless of their affiliation, when towing on the inland waterways of the Republic of Kazakhstan.

4. The following concepts are used in the Rules:

1) recipient - a person authorized to receive ships, rafts and other floating facilities on the basis of a bill of lading;

2) sender - a person, on the basis of a towing contract, presenting tows, rafts and floating facilities to the towing vessel for towing them to the destination and delivery to the recipient;

3) seaworthiness certificate - one of the main documents of the Register of Shipping issued in accordance with the Rules of the Register of Shipping;

4) raft - floating structures in the form of a flat platform, designed for transporting cargo or crossing on water;

5) towing - transportation of one or several floating facilities connected together and designed to be transported using a special self-propelled vessel;

6) towing vessel (tug) - a self-propelled vessel performing work on towing vessels, rafts and other floating objects;

7) towed facility - a vessel, raft and other floating facility presented for towing;

8) towing vehicle owner - a person who owns, on a right of ownership or other legal grounds, a vessel that provides services for towing vessels, rafts and other floating objects;

9) the authorized body - the central executive body providing leadership in the field of inland water transport, as well as, within the limits provided for by the legislation of the Republic of Kazakhstan, intersectoral coordination.

Other concepts used in these Rules shall be applied in accordance with the Law .

Chapter 2. The procedure and conditions for processing invoice, shipping and other documents

5. The sender, at the same time as the towed facility is presented for towing, shall submit a completed delivery note for towing ships, rafts and other floating facilities (hereinafter referred to as the delivery note) in the form in accordance with Appendix 1 to these Rules.

6. The bill of lading shall be the main transport document and be signed by the sender for each presented towed item sent to one recipient and to one destination. When filling in the consignment note, corrections, erasures and blots, changes and additions to the information entered into the consignment note by the carrier after issuing the shipper with a receipt on the receipt of goods for carriage shall be prohibited, shall be certified by the carrier's signature and a calendar stamp.

7. In case of detection of defects and imperfections that prevent towing, a commercial act shall be drawn up between the towing vehicle and the sender in accordance with the Rules for the Carriage of Goods by Inland Water Transport, approved by order of the Minister for Investments and Development of the Republic of Kazakhstan No. 219 dated February 23, 2016 (registered with the Register of State Registration of Regulatory Legal Acts under No. 13551), indicating the list of defects and deficiencies, as well as the timing of their elimination.

8. In the absence of defects and deficiencies in the towed facility that impede towing, or their elimination, the parties shall draw up an act on the readiness of the towed facility for towing in the form in accordance with Appendix 2 to these Rules.

When changing and supplementing the information in the bill of lading, it shall be certified by the signatures of the sender and the towing vessel operator.

Chapter 3. The procedure and conditions for the organization of tows

9. Towing of the facilities shall be carried out in accordance with the contract for towing ships, rafts and other floating facilities (hereinafter referred to as the contract for towing). The towing contract shall be concluded in writing.

10. The sender of the towed facility shall provide the necessary preparation for towing, its technical equipment, and staffing in accordance with the towing contract.

The document confirming the arrival time of the towing vehicle to the towed facility shall be the ship's log.

11. Before the start of towing, the sender shall present the seaworthiness certificate for towing the towed facility.

12. The towing vehicle shall be towed by a qualified crew, technically equipped to tow, and meeting the requirements for ensuring the safety of navigation.

13. A towing vessel (tug) shall be provided with a set of corrected maps along the crossing route.

All vessels, including a towed vessel, if accompanied, have an ultra-short-wave radio station for two-way radiotelephone communications.

14. When towing a towed vessel, a replacement towing cable shall be installed, equal in length and tensile strength to the main one.

15. In the process of towing, the towing vehicle owner shall ensure the safety of navigation, guided by the legislative and other regulatory legal acts of the Republic of Kazakhstan governing activities in inland water transport.

16. The captain of the towing vessel shall independently choose the method of towing the facility (pushing or towing) depending on the conditions of the route, unless otherwise provided by the towing agreement.

In the absence of the shipowner, sender or their representatives, the captain of the ship shall be their representative.

17. In emergency situations of a natural and man-made nature during towing, the towing vehicle owner shall take all precautions and the safety of the towed facility.

18. In the event that a towed facility is left in emergency situations of natural and technological fire nature, the towing vessel operator shall take all possible measures so that the towed facility left by it does not create a danger to navigation in this section, to other vessels located in this area and to the danger of environmental pollution.

19. In the event of a traffic accident with a towed facility, the towing vehicle owner together with the sender shall take measures to reduce the damage caused by such an accident and eliminate its consequences.

Chapter 4. Procedure for the payment of towing services

20. The sender shall present the towed facility for towing to the towing vehicle and shall pay for it in accordance with the towing contract.

21. The sender shall be charged an additional fee in the amount specified in the towing contract if the auxiliary vessels for guiding the rafts through the stretch sections of the inland waterways are provided by the towing vehicle.

Chapter 5. The order of presentation of the towed facility for towing

22. The towed facility shall be presented to the towing vehicle by the sender for inspection within the time period specified in the towing contract and, with the calculation of the time required for inspection before towing it. The time for presentation of the towed facility for inspection shall be established in the towing agreement based on local conditions.

23. The captain of the towing vessel, before receiving the towed facility, shall conduct its inspection, verify the documents necessary for towing, rigging of the towed facility, the dimensions of the towed facility as well as verify the compliance of the towed facility with the Rules for Navigation on Inland Waterways, approved by order of the Minister for Investments and Development of the Republic of Kazakhstan № 537 dated April 30, 2015 (registered with the Register of State Registration of Regulatory Legal Acts under No. 11347),

and in relation to rafts - the raft's compliance with the technical conditions for the formation and rigging of rafts (operational characteristics of the raft).

24. In the case when, under the terms of towing, the control of the towed facility on the way is not required, and the presence of the crew in the towed facility is difficult or dangerous, the contract shall provide for the placement of the crew of the towed facility on a towed vessel.

Chapter 6. Requirements for the composition of the crew of the vessel, rafts and other floating facilities and persons engaged in towing

25. The procedure for manning a towed facility with crew or guides shall be determined by the towing contract, and the number of crew on the day of its sailing shall be no less than the minimum requirements for the crew of ships, approved by order of the acting Minister for Investments and Development of the Republic of Kazakhstan No. 134 of February 18, 2015 (registered with the Register of State Registration of Regulatory Legal Acts under No. 10788).

26. The crew members of the towed facility shall comply with the towing instructions regarding the safety of navigation, the safety of the towed facility and take measures to prevent traffic accidents with the towed facility. Also, when towing, the captain of the towing vessel and the representative of the towed facility shall ensure a clear and coordinated work of the crew of the vessel and the towed facility.

27. The captain of the towing vessel, when embarking on a voyage, shall instruct crew members or guides of towed vessels, rafts and other floating facilities about their rights and obligations, including on the management of the towed facility, labor protection and safety on ships.

28. On the way, the crew of the tugboat, guides or crew of the towed vessel, raft and other floating facility shall monitor the condition of the towed vessels, rafts and other floating facilities, if necessary, remove water from the hull and other work related to ensuring safety, as well as inspect the holds of ships and floating facilities after each bulk ashore or touching the bottom of the ground.

Chapter 7. The order of departure, reception and delivery of the towed facility

29. The sender of ships, rafts and other floating facilities shall carry out:

- 1) the formation of rafts;
- 2) their withdrawal to the places of presentation for towing previously agreed upon with the towing vehicle within the time periods specified in the agreed between the sender and the towing vehicle and corresponding to the conditions of the towing contract;
- 3) equipment of berthing devices at points of departure and in points on storages and reformation of rafts;

4) the reformation of rafts on the way for their passage under bridges, through locks and other sections of inland waterways difficult for navigation;

5) pilotage of rafts by auxiliary vessels through difficult sections;

6) preventive and emergency repairs on the way.

30. The towing vehicle owner shall notify the recipient of the arrival time of the towed facility to the destination no later than 24 hours as well as 6 hours before the arrival of the towed facility.

31. The recipient of the towed facility shall indicate to the towing vehicle owner the location of the towed facility and the place of its reception, and also ensure the safe setting of the towed facility.

32. Upon the arrival of the towed facility to the destination, the towing vehicle owner and the recipient shall jointly inspect it.

33. In the event that the towed facility is delivered to the destination with signs of damage, representatives of the towing vehicle owner and the recipient of the facility shall jointly inspect and assess the damage, or with the help of an independent assessment organization, a commercial act shall be drawn up by mutual agreement.

34. In relation to rafts, units of rafts that arrived in good condition shall be also counted, indicating the amount of wood in the indicated units in the drawn up commercial act on the basis of specifications without counting logs and indicating the approximate amount of wood in damaged units of rafts.

35. The final delivery and acceptance of material from damaged rafts shall be carried out when moving from water to shore or by inspecting them in the water by representatives of the towing party and the recipient.

36. The actions provided for in paragraphs 31, 32, 33, 34 of these Rules shall be carried out no later than the deadline specified in the contract for towing from the end of towing.

Appendix 1
to the Rules for Towing Ships,
Rafts and Other Floating Facilities

The form

№ _____

Кемелерді, салдарды және өзге де жүзу объектілерін тіркеп сүйреу көлік жүк құжаты
Bill of Landing for towing ships, rafts and other floating objects No. ____ of ____

Жөнелту Departure Жөнелтуші Sender _____	пункті point _____	Межелі Final Алушы Receiver _____	пункті destination _____
(толық (full name)	атауы) (full name)	(толық (full name)	атауы) (full name)
		Алушының және	почталық мекенжайы банктік

Жөнелтушінің почталық мекенжайы және банктік деректемелері Sender's mailing address and bank details _____ _____ _____				деректемелері Receiver's mailing address and bank details _____ _____ _____			
Тіркеп сүйретілетін объектінің нөмірі (атауы) Number (name) of the towed facility	Жөнелтушінің белгілеуі бойынша деректер Sender Identification Data			Тарифтік Tariff			белгілер marks
	Габариттер (м) Dimensions (m)	Көлем (текше м.) Volume (cubic meters)	Салмақ (т) Weight (t)	Тіркеп сүйреу қашықтығы (км) Towing distance (km)	Ж о л габариттері Dimensions of the path	Тіркеп сүйреушінің белгісі Towing vehicle owner mark	
	Ұзындығы Length ____ — Е н і Width ____ Шөгуге Water draft ____				Тереңдігі Depth ____ — Е н і Width ____ — Айналым R rounding _ ____		

Салдың көлемі және кемеңіз суысырғыштығы _____ (жазумен)

Raft volume or displacement

(in words)

Жинақталған салдағы және құрамдағы жүкқұжатының №

№ No. of consignment notes in a combined raft or composition

1. Объектіні (салдың, кемеңіз және басқа объектілердің) дайындығы мен оның қауіпсіз жүзуі мен тіркеп сүйреуге жарамдылығы үшін беріледі _____ жауап (ұ й ы м н ы ң а т а у ы) Responsible for the preparation of the facility (raft, ship and other objects) and its suitability for safe navigation and towing _____ (organization name) 2. Тіркеп сүйретілетін объектідегі қауіпсіздікті қамтамасыз етуге жауапты _____ (Т . А . Ә . , л а у а з ы м ы) Person responsible for safety at the towed facility _____ (full name, position) 3. Қоса берілген құжаттар:				ТӨЛЕМДЕР : PAYMENTS : 1. _____ № _____ шартқа сәйкес _____ сомада жөнелту (жазумен) пунктінде а л ы н д ы made at the point of departure according to contract No. ____ of _____ in an amount of _____ _____ (in words) 2. Тіркеп сүйреу үдерісіндегі қосымша төлемдер Additional payments in the process of towing _____ _____ 3. Төлемдер барлығы:			
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Attached documents:	Payments in total:
A) _____	Алынған:
Б) _____	_____
В) _____	(жазумен)
Г) _____	Received:
Жөнелтуші:	_____
Sender: _____	(in words)
(колы, мөрі)	Қолы
(signature, stamp)	М.О.
	Signature
	Stamp here

Appendix 2
to the Rules for Towing Ships,
Rafts and Other Floating Facilities

The form

ACT No. _____ on the readiness of the towed facility for towing

Departure point _____ Date _____

(point name) (date of compilation)

Sender _____

(толық атауы) (full name)

Towing vehicle owner

(толық атауы) (full name)

The towed facility is accepted for towing _____

(without defects preventing towing, or their
elimination, namely)

The protection of the towed facility and other equipment is carried out by
conductors in the amount of _____ people under the guidance
of _____.

(surname, name, patronymic (if any) (hereinafter - full name)
and position held)

Notes: _____

Sender: _____

(full name (if any), position held and signature)

Towing vehicle owner:

(full name (if any), position held and signature)

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the Republic of Kazakhstan