

152/2014 Coll.

ACT

of 14 May 2014,

amending Act No. [435/2000 Coll.](#) on Maritime Navigation, as amended, and amending certain laws

Change: [152/2014 Coll.](#)

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The National Council of the Slovak Republic has adopted this Act:

Art. (I)

Act No. [435/2000 Coll.](#) on Maritime Navigation, as amended by Act No. [581/2003 Coll.](#), Act No. [97/2007 Coll.](#), Act No. [395/2008 Coll.](#), Act No. [278/2009 Coll.](#) and Act No. [440/2010 Coll.](#) is amended as follows:

1. Section 2, letter e) reads:

"e) a seagoing yacht intended for recreational purposes with a passenger number of not more than 12, with a length of more than 24 m and a gross tonnage of less than 500 registered tons, flying the flag of the Slovak Republic and not used for commercial purposes,".

2. In Section 4, paragraph 1, is supplemented by the letter s), which reads:

"s) cooperates with the competent authority of a Member State, which has notified the Ministry of the opening of an infringement proceedings pursuant to Section 24 b) or Section 40 para. 1 letter e) or on the falsification of documents issued pursuant to paragraph 2 letter l) and exemptions under paragraph 2 letter m) or in obtaining documents issued pursuant to paragraph 2 letter l) and the exemptions under paragraph 2 letter m) in contravention of the generally binding legal regulations."

3. In section 4 para. 2 letter l) the words "and certificates of competence" shall be inserted after the words "certificates of professional competence", the word "and" shall be replaced by a comma and the following words shall be added at the end: "certificates of competence following the completion of qualification courses, certificates of fulfillment of the requirements under the international treaty, which the Slovak Republic is bound to, 1bca) and a certificate of a professional competence of a member of a seagoing yacht crew, ".

The footnote to reference 1bca reads as follows:

"1bca) Chapter V, Part A-V/2 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

4. In section 4 para. 2 letter m) the following words are added at the end: "and from proof of professional competence".

5. In section 4 para. 2 letter p) reads as follows:

"p) keeps records of holders of certificates of professional competence, confirmation of certificates of professional competence, confirmation of the recognition of a certificate of professional competence, certificates of competence issued after the completion of qualification courses, which were suspended, revoked or renewed, reported as lost or destroyed and issued exemptions pursuant to letter m) and a certificate of compliance with the requirements of the international treaty, which the Slovak Republic is bound to; 1bca), personal data such as the name and surname, date and place of birth, sex, unique identifiers, if available, the permanent address, the nationality and the number of the ID card or similar document are entered into these records and are provided at the request of the port authority, the owner of the seagoing ship, the operator of a seagoing ship and a person engaged in the employment of a crew member, ".

6. In section 4 para. 2 the letter q) is inserted after letter p), which reads as follows:

"q) keeps records of holders of certificates of professional competence of the crew of a seagoing yacht, issued seaman's books and certificates of completion of training courses for the performance of duties under a special regulation, (1bd) professional training courses and supplementary training courses for crew members (hereinafter referred to as "qualification courses") and courses for the management of recreational craft,".

7. In section 4 para. 2 letter r) and s) the words "and courses for the management of recreational craft" shall be inserted after the word "courses".

8. In Section 4, paragraph 2 is supplemented by the letters t) to x), which read:

"t) ensures, at least every five years, the independent assessment of their knowledge, their capability to apply it and the activities related

to the acquisition and assessment of competence and the system by which the demonstration of the competence of the ship's crew is carried out by independent qualified persons, and the report on each independent evaluation shall be sent to the European Commission and the International Maritime Organization within six months of the date of the assessment under the International Treaty to which the Slovak Republic is bound, 1bda),

u) may, at the request of another Member State, carry out an independent assessment under point (t) for the purpose of verifying management and monitoring measures, actions corresponding to planned measures and documented procedures, their effectiveness, measures to remedy the shortcomings and compliance of the quality management system content with the international treaty by which the Slovak Republic is bound; 1bdb) the results of each evaluation are sent to the person responsible for the assessment area,

v) ensure the availability of the most recent amendments to national regulations and international regulations concerning the safety and protection of the marine environment on seagoing ships entitled to fly the flag of the Slovak Republic in the designated working language,

w) shall provide the European Commission with annual information in accordance with Annex No. 2 recorded by 31 December of the preceding year for the purpose of statistical analysis in electronic form which allows data to be stored for statistical purposes; The provision of this information is not covered by special regulation 1be) and personal data must be anonymized,

X) approves and acknowledges the book of training under the international treaty to which the Slovak Republic is bound. 1bdb) ".

The footnotes to references 1bda and 1bdb read:

"1bda) Chapter I, Part A-I/7 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll](#)) as amended."

"1bdb) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll](#)) as amended."

9. Section 4 shall be supplemented by paragraphs 11 to 15, which read:

"(11) The Ministry shall establish and maintain a quality management system for operational activities related to the fulfillment of the flag State obligations. Such a quality management system shall be deemed to be certified in accordance with the relevant international quality standards.

(12) For a maximum of five years, the Ministry shall, on the basis of a written request, authorize a legal entity or a natural person to carry out the qualification course if

a) it has established a quality management system in accordance with international quality standards for the qualification course;

(b) it organizes and materially secures a qualification course, including the limits on the number of participants in the qualification course,

c) it provides lecturers professionally qualified under the international treaty to which the Slovak Republic is bound, 1bh)

D) it draws up a written qualification course program, a curriculum, a template of the certificate of completion of the qualification course, a template of the final evaluation of the individual participants of the qualification course and a sample of the documentation of the qualification course.

(13) The annexes to the written request under paragraph 12 are

a) an extract from the business register, trade register or similar register not older than three months,

b) a name and detailed written training course program including the methods, procedures and materialization of the qualification course,

c) a list of national regulations and international regulations from which the training course program is based,

d) a description of the organization of the qualification course, including the limit of the number of participants in the qualification course,

e) provides lecturers professionally qualified under the international treaty to which the Slovak Republic is bound, 1bi)

f) a documentation of the qualification course documentation,

g) a description and form of the final evaluation of the individual participants in the qualification course,

h) a certificate of completion of the qualifying course sample,

(l) an evidence of the introduction of a quality management system in line with international quality standards for the qualification course,

(j) a curriculum,

k) the lecturer's certificate on the successful completion of the course of instructors for training and evaluation on simulators according to the international treaty to which the Slovak Republic is bound, 1bh) and the practice of the lecturer on the given simulator, if a legal person or natural person requests the performance of a simulator training course.

(14) The authorized person conducting the qualification course shall immediately notify the Ministry of any changes concerning

the data under paragraphs 12 and 13. In order to ensure the performance of supervision or state supervision over the course of the qualification course, the authorized person conducting the qualification course must notify the Ministry no later than seven days before the day of the qualification course of the date of the qualification course and at least three days before the date of the change or cancellation to the announced qualification course.

(15) The Ministry shall withdraw the authorization to carry out the qualification course of the authorized person if the authorized person

- a) ceases to meet the requirements under paragraph 12,
- b) requests the removal of the authorization,
- c) seriously or repeatedly breaches the obligations in the performance of a qualification course or performs a qualification course contrary to this Act or related generally binding legal regulations; or
- d) does not permit or refuses the carrying out of supervision or state supervision of the qualification course. "

The footnotes to references 1bh and 1bi read:

"1bh) Chapter I, parts A-I/6, A-I/8, A-I/12 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

"1bi) Chapter I, Part A-I/6 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

10. In section 5 para. 6 letter a) the words "proof of competence or confirmation of recognition of professional competence" shall be inserted after the words "crew certificate of professional competence".

11. In section 5 para. 7, the word "withdrawn" shall be replaced by "or a confirmation of the recognition of a certificate of professional competence withdrawn".

12. In section 5 para. 8 letter a) the words "or certificate of competence" shall be inserted after the words "professional competence".

13. In section 9 para. 1, this sentence is added at the end: "The making available of data from the Maritime Register is subject to a special regulation. 1be) ".

14. In section 9 para. 2, the introductory sentence with the word "three" is replaced by the word "four".

15. In section 9 para. 2, the new letter c) is inserted after letter b), which reads as follows:

"c) Register of seagoing yachts,".

The previous letter c) is referred to as letter d).

16. In section 9 para. 5, the words "seagoing yachts and register" shall be inserted after the word "Register".

17. In section 12 para. 2, the words "and each seagoing yacht shall be entered in the register of seagoing yachts" shall be inserted after the words "International Maritime Register".

18. In section 12 para. 7, the following words are added at the end: "and the register of seagoing yachts".

19. Section 13, paragraph 1, reads as follows:

"(1) A seagoing ship may be entered in the Maritime Register only if its age is not more than ten years from the date on which its keel was placed."

20. In Section 13, a new paragraph 4 is added after paragraph 3, which reads:

"(4) An application for registration in the register of seagoing yachts may be filed by

- a) a legal entity established in the Slovak Republic,
- b) a natural person older than 18 years,
- c) a legal entity registered abroad, that proves the registration in its country of origin.

The existing paragraphs 4 to 14 shall be referred to as paragraphs 5 to 15.

21. In Section 13 para. 7, the introductory sentence with the words "and 3" are replaced by "up to 4".

22. In Section 13, a new paragraph 10 is added after paragraph 9, which reads:

"(10) The technical competence of the seagoing yacht shall be evidenced by

a) a document certifying the technical competence of a seagoing yacht issued by a Ministry authorized recognized classification society,

(b) an international certificate of the tonnage measurement of seagoing ships,

(C) a statement on anti-fouling systems; in the case of seagoing yachts with a gross tonnage of 400 registered tons or more, an international certificate of anti-fouling systems,

d) an international certificate for the prevention of oil pollution, in the case of a seagoing yacht with a gross tonnage of 400 tons or more,

e) an international certificate for the prevention of air pollution in the case of a seagoing yacht with a gross tonnage of 400 tons or more,

f) an international certificate on the prevention of sewage pollution in the case of a seagoing yacht with a gross tonnage of 400 registered tons and more or with a number of persons on board above 15,

g) a permission to establish and operate a ship's radio station. 2b) ".

The footnote to reference 2b reads:

"2b) Act No. [351/2011 Coll.](#) on electronic communications, as amended."

The existing paragraphs 10 to 15 shall be referred to as paragraphs 11 to 16.

23. In Section 13, paragraph 11, the introductory sentence with the words "and 3" are replaced by "up to 4" and in letter a) the words "paragraph 8" are replaced by the words "paragraph 9 or the documents under paragraph 10".

24. In Section 13 para. 12, the words "paragraph 9" shall be replaced by "paragraph 11".

25. In Section 13 para. 13 and 14, the words "paragraph 6" shall be replaced by "paragraph 7".

26. Section 13 is amended by paragraph 17, which reads as follows:

"(17) Details of the technical competence of the seagoing yacht and the professional competence of the yacht crew members shall be laid down in a generally binding legal regulation issued by the Ministry."

27. In Section 20 para. 1, in the introductory sentence the words "except a seagoing yacht" are added after the word "ship".

28. In Section 20 para. 1, 1 letter c) above the word "radio station" reference "4" is replaced by reference "2b".

The footnote to reference 4 is deleted.

29. In Section 20 para. 1, 1 letter t) reference "4a" is replaced by the reference "1bdb" above the word "regulation".

The footnote to reference 4a is deleted.

30. In Section 20, a new paragraph 2 is added after paragraph 1, which reads:

"(2) The original copies of the ship's charters, logs and other ship's papers must be stored on the seagoing yacht in accordance with paragraph 1 letter a), c), e), s), ab), ad), ae), ak), aq), ax), ay), ba), bf), bi) to bm)."

The existing paragraphs 2 to 3 shall be referred to as paragraphs 3 to 4.

31. In Section 23, paragraph 1, it reads as follows:

"(1) A seagoing ship's crew, except for a seagoing yacht, shall consist of a seagoing ship master, officers, an assistant, and the ship's crew. The seagoing yacht's crew is made up by a seagoing yacht master, officers and the ship's crew. "

32. In Section 23 para. 1, 3, the words "Officers corps are formed" shall be replaced by "Officers are" and the words "(hereinafter referred to as "Officers") are deleted".

33. In Section 23 para. 7, the words "of aliens" shall be replaced by "third-country nationals".

34. The footnote to reference 5 reads:

5) [Section 13 para. 3 letter b\)](#) of Act No. [5/2004 Coll.](#) on employment services and on the amendment of some laws as amended."

35. In Section 24 letter c) the following words shall be added at the end: "which shall be entered in the logbook; if the designated working language is not the Slovak language, all plans and lists shall be translated into that working language of communication".

36 Section 24 is supplemented by the letter ac), which reads as follows:

"ac) provides for a member of the ship's crew designated to assist passengers in emergency situations who communicate in English, the languages of the nationality of passengers as well as manual signaling, visual demonstration, attraction of attention or other non-verbal means. "

37. In Section 26b para. 9, the period is replaced by a semicolon and at the end the following words are added: "In the case of a complaint concerning the safety or health of the crew or the working or living conditions on a seagoing ship, the complaint may also be submitted to the National Labor Inspectorate. 6e)".

The footnote to reference 6e reads as follows:

"6e) Act No. [125/2006 Coll.](#) on Labor Inspection and amending Act No. [82/2005 Coll.](#) on illegal work and illegal employment and on amendments and supplements to certain laws as amended."

38. In Section 40 let. f) above the word "health", the reference "7)" is replaced by the reference "6e)".

39. The existing text of Section 40 is referred to as paragraph 1 and is supplemented by paragraphs 2 to 5, which read:

"(2) The owner of a seagoing ship, except for a seagoing yacht, shall be required to keep documentation and to have available data on the practice, training, medical fitness and competence for the assigned services of all crew members who are in an employment relationship with him.

(3) The owner of the seagoing ship shall ensure that,

a) the crew members are, upon assignment to the seagoing ship, familiarized with their particular services and with all the seafarers' facilities, equipment, measures and procedures and characteristics of the seagoing ship which are relevant to the performance of the service; or in a state of emergency,

b) familiarizing each ship crew member with his / her emergency operations and his / her duties in situations of safety, environmental protection or mitigation of environmental pollution,

c) that the members of the ship's crew assigned to their seagoing ship have completed training courses regularly under the international treaty to which the Slovak Republic is bound, 1bdb)

d) effective oral communication on board a seagoing ship under an international treaty to which the Slovak Republic is bound, 13a) unless so designated by the commander under Section 24.

(4) The owner of a seagoing ship shall be required to provide the ship's commander with written instructions setting out the principles and procedures under which new crew members are familiarized with the ship's equipment, operating rules and other measures necessary for the performance of their service prior to the commencement of such a service, and which contain

a) the determination of a sufficient period of time for a newly recruited crew member to familiarize himself with the equipment which he/she will use or operate, and with the procedures and arrangements for the performance of the watch service relating to safety, environmental protection and emergency response, which are specific for the given seagoing ship and which are necessary for the proper performance of the service,

b) the appointment of a qualified member of the ship's crew responsible for acquainting a newly appointed crew member with the information referred to in (a) in a language he / she understands.

(5) The owner of the seagoing ship shall ensure that the master, officer and other member of the seagoing passenger ship's crew to whom specific duties have been assigned have received training to ensure the performance of these duties under the international treaty to which the Slovak Republic is bound. 13b) "

The footnotes to references 13a and 13b read:

"13a) Chapter V, Rule 14 para. 3 and 4 of the International Convention for the Safety of Life at Sea (SOLAS, 1974) (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended.

"13b) Chapter I, Part A-I/14 and Chapter I, Part B-I/14 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#) as amended."

40. In section 40a para. 1 and Section 60 para. 3 letter e) the words "Section 40 letter s)" shall be replaced by the words "Section 40 para. 1 letter s) ".

41. Section 41 reads as follows:

"Section 41

(1) The master of a seagoing ship, officers and the ship's crew must have a valid certificate of professional competence or a certificate of competence corresponding to the international treaty to which the Slovak Republic is bound to work on a seagoing ship, except for a seagoing yacht. 1bdb) The certificate of professional competence and the certificate of competence is issued for an indefinite period. The master of the seagoing yacht, officers, and crew must have a valid certificate of professional competence of the seagoing yacht crew member to work on a seagoing yacht. The certificate of professional competence of the member of the crew of a seagoing yacht shall be issued for a maximum of five years on the basis of a request containing the name and surname, date and place of birth, permanent

address, nationality and number of the ID card or equivalent document. The personal data provided in this application may be provided to the port authorities, the seagoing yacht owner, the seagoing yacht operator or a person engaged in the employment of a member of the ship's upon written request.

(2) The certificate of professional competence or the certificate of competence shall be issued by the Ministry to the applicant upon proof of his identity, if

- a) he has attained the age of at least 18 years, except for the master of a seagoing ship requiring at least 30 years of age,
- b) he/she meets the qualification requirements for the function,
- c) he/she has medical fitness, 14)
- d) he/she has successfully completed qualification courses under the international treaty which the Slovak Republic is bound to, 1bdb)
- e) he/she passed a professional examination before a commission designated by the Ministry or recognized by the Ministry.

(3) Qualification prerequisites for the purposes of this Act are

- a) education for a given position,
- b) professional practice carried out on a seagoing ship.

(4) A certificate of professional competence shall be issued by the Ministry, in addition to a conformation of a certificate of professional competence, to the master of a seagoing ship and to officers in charge of carrying out work on a seagoing ship, certifying that the applicant fulfills the professional qualifications required for the performance of the duties under this Act and the international treaty which the Slovak Republic is bound to. 1bdb) The validity of the confirmation of the certificate of professional competence shall be valid for a maximum of five years from the date of issue or expiry of the validity of the certificate of professional competence or the certificate of competence after completing the additional professional courses pursuant to the international treaty which the Slovak Republic is bound by, 14a) or until its revocation, its suspension or its invalidation by the competent authorities of a Member State or a third State. Upon the expiry of the validity of the confirmation of the certificate of professional competence, the confirmation of the certificate of professional competence may be renewed for a maximum of five years if the applicant demonstrates that his professional competence has been maintained and that the conditions under this Act and the international agreement to which the Slovak Republic is bound are fulfilled. 1bdb)

(5) A member of the ship's crew pursuant to paragraph 1 shall demonstrate professional competence before each embarkation, by presenting a valid certificate of professional competence or a certificate of competence under Section 4 para. 2 letter p) and the valid naval book to the owner of the seagoing ship. The master of a seagoing ship and officers simultaneously submit the confirmation of the certificate of professional competence.

(6) The Ministry shall recognize a certificate of professional competence issued by another Member State, within the scope of competence, function and level of responsibility therein, by issuing an acknowledgment of the confirmation of the recognition of professional competence, after verification of the authenticity and validity of the required documents. An applicant for the recognition of a certificate of professional competence shall have the right to appeal if his application for recognition of a certificate of professional competence is refused. The confirmation of the recognition of the certificate of professional competence shall be valid until the expiry of the validity of the certificate of professional competence or the confirmation of the certificate of professional competence, but not more than five years from the date of issue of the certificate of professional competence or the confirmation of the certificate of professional competence, until its cancellation, suspension or until the declaration that the certificate of professional competence or the confirmation of the certificate of professional competence issued by a competent authority of a Member State or of a third country is null and void.

(7) The Ministry may recognize a certificate of professional competence or a certificate of competence 14a) issued by a third State by issuing a confirmation of the recognition of a certificate of professional competence if the third State has been recognized by the European Commission as a country fulfilling the requirements of an international treaty binding for the Slovak Republic. 1bdb) If a third State is not recognized by the European Commission, the Ministry may submit a reasoned request to the European Commission for its recognition while simultaneously negotiating with the competent authority of the third State about the treaty by which the third State undertakes to notify without delay any change to the system of training and demonstrating competence performed according to the International Treaty to which the Slovak Republic is bound, 1bdb), at the same time it shall be satisfied that the master and officer at the management level have knowledge of the maritime navigation legislation of the Slovak Republic corresponding to the function they can perform. If the request for recognition of a third country is also the recognition of an entity who carries out qualification courses in a third country, the Ministry must verify that a third country fulfills the conditions of an international treaty which the Slovak Republic is bound to.

1bh) If the Ministry considers that a third State does not comply with the requirements of the international treaty to which the Slovak Republic is bound, 1bdb) it shall notify it without undue delay, stating the reasons to the European Commission. The Ministry shall inform the European Commission and the other Member States of the intention to withdraw the confirmation of the recognition of a certificate of professional competence issued by a third-country without undue delay, giving reasons.

(8) If the European Commission has taken a decision to withdraw the recognition of a third State pursuant to paragraph 7, the Ministry is required, in accordance with the decision of the European Commission, to take the measures for the implementation of this Decision. A certificate of professional competence issued prior to the adoption of a decision of the European Commission to withdraw the recognition of a third country shall remain valid and a conformation of a certificate of proficiency certificate of professional competence may be issued for a higher function, if only the additional practice that the ship's crew member is required to do is required for this function.

(9) At the request of a Member State, third State, the owner of a seagoing ship or the operator of the seagoing ship, the Ministry shall provide written information on the authenticity and validity of the certificate of professional competence issued by it, the certificate of competence pursuant to Section 4 para. 2 letter p), confirmation of the certificate of professional competence, confirmation of recognition of the certificate of professional competence, naval and exemptions pursuant to Section 4 para. 2 letter m). The Ministry shall make the information according to the first sentence available in electronic form.

(10) If the validity of the confirmation of the certificate of professional competence expires before 1 January 2017, the Ministry shall determine whether the applicant for the issue of a confirmation of a certificate of professional competence is obliged to prove that he fulfills the conditions stipulated in the international treaty, which the Slovak Republic is bound to. 1bdb)

(11) The Ministry may, in justified cases, authorize the exemption of a member of the ship's crew, except for a member of the ship's crew providing radio communications on a seagoing ship, by a person who does not hold a certificate of professional competence corresponding to that function but holds a certificate of professional competence of an immediately lower grade.

(12) An exception to the proof of professional competence is permitted by the Ministry, namely for the designated person, for the designated seagoing ship and for a period not exceeding six months; as the master of the seagoing ship and the first engineer officer, the exception may be granted only in case of force majeure, and only for the shortest necessary time.

(13) If an exception is granted for the appointment of a crew member as defined in paragraph 11 for which the certificate of professional competence is not required, such an exemption may be granted to a crew member whose qualifications and practices are in conformity with the requirements for a function, that the exception is granted for, and has successfully completed a test demonstrating compliance with the exemption requirements.

(14) Prior to conducting a professional examination before a commission designated by the Ministry, the applicant shall prove medical fitness by a medical certificate which cannot be older than three months. Proof of medical fitness is a condition of permission to conduct a professional examination. The health capability of the ship's crew member, including the issue of a medical certificate, shall be assessed by a Ministry of Health authorized healthcare provider. 14b)

(15) The Ministry shall entrust for the performance of the activity under paragraph 14, a doctor who has received a university degree in the doctoral degree program in the field of general medicine and a specialization in a general medicine, who has completed training on living, working and medical conditions on seagoing ships or who has practical experience as a physician on a seagoing ship, who has medical facilities for medical fitness assessment in accordance with an international treaty, which the Slovak Republic is bound to, 14c) and is independent of the owner of a seagoing ship, the operator of the seagoing ship, crew member and persons engaged in the employment of a crew member. An application for the issuance of an authorization for the assessment of medical fitness of a ship's crew member shall include the name, surname, date of birth and permanent address of the physician and the place of operation of the medical facility in which the physician performs the activity under paragraph 14. Documents proving the fulfillment of the conditions under the first sentence are annexed to the application. The personal data provided in this application may be provided to the competent authorities of another State, the operator of the seagoing ship and a ship crew member. The authorized physician is obliged to immediately notify the Ministry of any changes in data stated in the application and its Annex. The Ministry shall remove the authorization of the authorized physician for the performance of the activity under paragraph 14 if he/she ceases to fulfill the conditions of the first sentence or requests the revocation of the authorization.

(16) A crew member must demonstrate medical fitness before embarkation by a valid medical certificate issued under paragraph 14. A medical certificate shall be issued by the authorized physician to a member of the ship's crew if he/she meets the medical fitness standards of the international treaty to which the Slovak Republic is bound. (14d) A crew member requesting a medical certificate shall demonstrate that he or she has attained the age of at least 18 years and his / her identity. Unless otherwise specified in the medical certificate of a crew member, it shall be valid for a period of up to 24 months if it is a crew member older than 55 years, the validity of the medical certificate is 12 months. The validity of a medical certificate of a member of the ship's crew who has a fixed-term contract of employment shall correspond to the agreed length of service, but not more than 24 months.

(17) The Ministry may, in an emergency, for a maximum period of three months, allow a member of the ship's crew to work on a seagoing ship without a medical certificate to the nearest port at which the seagoing ship stops and in which the crew member may obtain a medical certificate, if the medical certificate expired during navigation or before embarkation, and it is not possible to obtain a medical certificate in time.

(18) A crew member is required to undergo training on safety and health at work. 6)

(19) Details of the acquisition of professional competence of a ship's crew member shall be laid down in a generally binding legal regulation issued by the Ministry. "

Footnotes to reference 14a to 14d read:

"14a) Chapter V, rules A-V/1-1 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

14b) [Section 4](#) of Act No. [578/2004 Coll.](#), on Healthcare Providers, Healthcare Workers, Healthcare Professional Organizations and on Amendments to Certain Acts, as amended.

"14c) Chapter I, Part A-I/9 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

14d) For example, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. [165/2001 Coll.](#)) as amended."

42. In Section 44 para. 4, in the first sentence, the words "and 77 hours in seven consecutive days" shall be inserted after the words "ten hours" and the following words shall be added at the end: "with the interval between consecutive rest periods not exceeding 14 hours".

43. In Section 44 para. 5, at the beginning the new first and second sentences are inserted as follows: "The rest period laid down in paragraph 4 need not be complied with in an emergency or during other extraordinary operating conditions. Alarm exercises are done in a way that minimizes disruption to rest and does not cause additional fatigue. "

44. In Section 44 para. 6, at the end of this sentence is added: "If a ship crew member on standby duty is called into service he shall be entitled to an adequate compensatory rest period if his period of rest is disturbed by the performance of services."

45. In Section 44 para. 7 the following sentences are added at the end: "This plan is drawn up in a standardized format in the designated working language or in the designated working languages and in English. Each member of the ship's crew shall sign the record of his daily rest period and shall receive a copy of this record as certified by the master of the seagoing ship or his authorized person.

46. Section 44 is amended by paragraph 8, which reads as follows:

"(8) The master of a seagoing ship, officer and other crew members shall not carry out duties related to the safety and protection of the marine environment by the influence of alcohol or other narcotic or psychotropic substances.

47. In Section 60, a new paragraph 2 is added after paragraph 1, which reads:

"(2) The Ministry shall impose a fine of EUR 5,000 to EUR 16,600 on a legal entity or a natural person, if

- a) it performs an unqualified qualification course,
- b) it did not notify a change pursuant to Section 4 para. 14 in the documents submitted pursuant to Section 4 para. 13.
- c) it did not ensure that a certificate of completion of a qualification course was issued only to a person who successfully completed a qualification course,
- d) it obtained a certificate of professional competence, a certificate of competence, a confirmation of a certificate of professional competence, a certificate of the recognition of a certificate of professional competence, a medical certificate, an exemption under Section 41 para. 13 or shipping documents pursuant to Section 20 in violation of generally binding legal regulations,
- e) it assess the medical fitness of a crew member or issue a medical certificate to a crew member without being authorized to do so by the Ministry,
- f) it did not notify changes in the data specified in the application and its annex pursuant to Section 41 para. 15.

The existing paragraphs 2 to 8 shall be referred to as paragraphs 3 to 9.

48. In Section 60 para. 3 letter d) the words "or participation of a seagoing ship in a maritime casualty or incident" shall be inserted after the word "voyage".

49. In Section 60, paragraph 3 is supplemented by the letters h) to i), which read:

"h) does not ensure the availability of the most recent amendments to national regulations and international regulations concerning the safety and the protection of the marine environment on the seagoing ship,

i) fails to fulfill the obligations under Section 40 para. 1 letter a), f), j) to m) para. 3 and 4 ".

50. In Section 60, paragraph 4 is supplemented by the letter f), which reads:

f) fails to fulfill the obligations under Section 40 para. 1 letter b), d), i), t), para. 2 and 5 ".

51. In Section 60 para. 5 letter c) reads:

"c) has failed to satisfy the requirements of Section letter b) to j), l), p) to v), aa) to ac);

52. In Section 60, paragraph 5 is supplemented by the letters k) to m), which read:

"k) did not provide for the layout of the working time, the organization of the work, the watchkeeping service and the rest periods on the seagoing ship under Section 44,

l) does not ensure the availability of the most recent amendments to national regulations and international regulations concerning the safety and the protection of the marine environment on the seagoing ship,

m) did not ensure the communication of the ship with coastal authorities under the international treaty to which the Slovak Republic is bound. 13a) ".

53. In Section 60 par. 7, the words "The fine may be imposed" shall be replaced by "The proceedings for the imposition of a fine

may be commenced".

54. After Section 65, Section 65a is inserted, which including the title reads as followed:

"Section 65a

Transitional provision for modifications effective from 1 July 2014

(1) By 1 January 2017, the Ministry may issue a certificate of professional competence, a confirmation of a certificate of professional competence and a confirmation of recognition of a certificate of professional competence before the members of the ship's crew who started navigation practice, approved qualification course or study before 1 July 2013 at a maritime college or maritime high school.

(2) Proceedings commenced and not terminated before 1 July 2014 shall be completed according to the current rules. "

55. The title of the Annex reads as follows: "The list of legally binding acts of the European Union".

56. The Annex is supplemented by sixteen to eighteenth points, which read:

"16. Directive 2012/35 / EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106 / EC on the minimum level of training of seafarers EC (OJ L 343, 14.12.2012).

17. Directive 2013/38 / EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16 / EC on port State control OJ L 218, 14.8.2013).

18. Directive 2013/54 / EU of the European Parliament and of the Council of 20 November 2013 on certain Responsibilities of the Flag State for the implementation and enforcement of the 2006 Convention on Maritime Legislation (OJ L 329, 10.12.2013). " .

57. The present Annex is referred to as Annex No. 1 and Annex No. 2, including the title, reads as follows:

"Annex No. 2 to Act No. [435/2000 Coll.](#)

INFORMATION SENT TO THE EUROPEAN COMMISSION FOR STATISTICAL PURPOSES

Under the international treaty, which the Slovak Republic is bound to provide 23), the Ministry will provide information on:

1. a certificate of professional competence or a conformation of a certificate of professional competence which are

- a) date of birth of a member of the ship's crew,
- b) the nationality of the crew member,
- c) gender of the crew member,
- d) the number of the certificate of professional competence (*),
- e) the number of the confirmation the certificate of professional competence (*),
- f) the function / functions.
- g) the date of issue or the date of the last renewal of the certificate of professional competence, or the conformation of the certificate of professional competence,
- h) the date of expiry of the validity of the certificate of professional competence, or the confirmation of the certificate of professional competence,
- i) the status of the certificate of professional competence (valid retained, canceled, declared lost, destroyed),
- j) limitations,
- k) the unique crew member's identifier, if available (*),
- l) the name of the crew member (*),

2. confirmation of the recognition of a certificate of professional competence issued by another State of which they are

- a) a unique identifier of the crew member, if available (*),
- b) the name of the crew member (*),
- c) date of birth of a member of the ship's crew,
- d) the nationality of the crew member,

- e) gender of the crew member,
- f) the State issuing the original of the certificate of professional competence,
- g) the number of the original certificate of professional competence (*),
- h) the number of the confirmation of the certificate of professional competence (*),
- i) the function / functions,
- j) the date of issue or the date of the last renewal of the confirmation of the recognition of the certificate of professional competence,
- k) expiration date,
- l) status of the confirmation of the recognition of the certificate of professional competence (valid retained, canceled, declared lost, destroyed),
- m) limitations.

Note:

Information marked with (*) is provided in an anonymous form. "

The footnote to reference 23 reads:

"23) Chapter I of part A-I/2 para. 9 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 165/2001 Coll) as amended."

Art. V

This Act shall enter into force on 1 July 2014, excluding art. IV, which enters into force on 29 June. 2014, art. I the eighth point of Section 4 para. 2 letter w), which shall enter into force 4 January 2015, and the last sentence of I 41st art. of Section 41 para. 9, which shall enter into force on 1 January 2017.

Ivan Gašparovič m.p.

Pavol Paška m.p.

Robert Fico m.p.