

**435**  
**ACT**  
of 30 October 2000  
**on Maritime Navigation**

Amendment 581/2003 Coll.  
Amendment 97/2007 Coll.  
Amendment 395/2008 Coll.  
Amendment 278/2009 Coll.  
Amendment 440/2010 Coll.

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

**PART ONE**  
**BASIC PROVISIONS**

Article 1

Subject of the Act

- (1) This Act establishes:
- a) the rights and obligations of legal and natural persons related to the operation of seagoing ships and seagoing recreational crafts<sup>(\*)</sup>,
  - b) the powers of State administration bodies of the Slovak Republic in the area of maritime navigation.
- (2) The Act also applies respectively to floating equipment listed in the maritime register flying the flag of the Slovak Republic determined in particular at examination and exploiting the natural resources in the sea, on the sea bed and beneath the sea bed.
- (3) The Act shall not apply to seagoing fishing vessels.
- (4) Legal acts of the European Union specified in the Annex, shall be transposed by this Act.

Article 2

Definitions

For the purpose of this Act:

- a) maritime navigation means the operation of seagoing ships and recreational crafts on the sea or other waterways, where the maritime law applies or waterways connected to the sea, as well as their stay in port or places of anchoring and mooring,
- b) seagoing ship means the vessel intended for the carriage of cargo and/or passengers flying the state flag of the Slovak Republic

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<sup>(\*)</sup> NOTE (the note is not included in this Act): in the international conventions e.g. STCW is applied the term "pleasure craft".

- c) seagoing ferry ship means the vessel intended for regular carriage of passenger and for carriage of road and rail vehicles,
- d) seagoing passenger ship shall mean the seagoing ship intended for carriage of more than 12 passengers.
- e) seagoing yacht means the seagoing ship intended for the recreational purpose or for the carriage of no more than 12 passengers, with the length more than 24 m and the gross tonnage less than 500 registered tons,
- f) seagoing ship with a shelter deck means the seagoing ship equipped with a deck to which reach the vertical watertight bulkheads,
- g) seagoing recreational craft means the vessel intended for leisure purposes flying the flag of the Slovak Republic (hereinafter referred to as the "recreational craft") registered in the seagoing recreational crafts register,
- h) classification society means a legal person or its organization unit or by it controlled entities carrying out for the Ministry of Transport, Construction and Regional Development of the Slovak Republic (hereinafter referred to as the "Ministry") activities relating to the assurance of the technical fitness of seagoing vessels and recreational crafts,
- i) recognized classification society means the classification society recognized in accordance with special regulation,<sup>1ba)</sup>
- j) owner of seagoing ship or recreational craft registered in the maritime register of the Slovak Republic means the legal or natural person authorised to operate a seagoing ship or recreational craft under his own name and on his own responsibility,
- k) operator of the seagoing vessel or recreational craft means the legal or natural person authorised to operate a seagoing ship or recreational craft under his/her own name and at his/her own responsibility if empowered for this activity by the seagoing vessel or recreational craft owner.

## **PART TWO**

### **STATE ADMINISTRATION AND STATE CONTROL**

#### **Article 3**

##### **Central Body of the State Administration**

The Ministry is the central body of the state administration and state control of seagoing navigation.

#### **Article 4**

##### **Ministry**

(1) The Ministry of Transport, Posts and Telecommunications of the Slovak Republic (hereinafter referred to as the "Ministry"):

- a) performs administration in maritime navigation including state control,
- b) authorises the recognized classification society for

1. the approval of the technical documentation of seagoing recreational crafts unless approved according to the special regulation<sup>1a)</sup> and for the approval of the technical documentation of the seagoing vessels,
  2. the technical supervision during the construction of recreational crafts unless carried out according to the special regulation<sup>1a)</sup> and the technical supervision during the construction of seagoing vessels,
  3. the performance of regular technical inspection of seagoing vessels in accordance with the Resolution A.847 (20) of International Maritime Organisation and recreational crafts and issue of documents on the technical fitness of seagoing vessels in accordance with the Maritime Organisation Resolution A.847 (20) and recreational crafts,
  4. the issue and the approval of procedures, measures, certificates in accordance with the international convention<sup>1b)</sup> and certificates on exception from international convention in accordance with the Maritime Organisation Resolution A.847 (20),
- c) may submit to the European Commission the application for recognition of classification society, which has not been recognized up to now, along with the information and proofs proving that such classification society satisfies criteria relating to recognized classification societies laid down in special regulation,<sup>1ba)</sup>
  - d) cooperates with the European Commission in assessing the classification society, the recognition of which has been required pursuant to letter c),
  - e) modifies the authorization of recognized classification society pursuant to b), if the European Commission modified the authorization of recognized classification society which has been granted,
  - f) may submit to the European Commission an application for withdrawal of the authorization of recognized classification society,
  - g) shall not refuse to authorise the classification society, only in justified cases may limit the number of authorised recognized classification societies,
  - h) checks the activity of an authorised recognized classification society and when during the check finds that an authorised recognized classification society doesn't carry out its activity in accordance with authorization pursuant to letter b), it shall suspend or repeal the authorisation validity,
  - i) without delay informs the European Commission and other Member States of the European Union, Iceland, Liechtenstein and Norway (hereinafter referred to as the "Member States") on authorised recognized classification societies and on suspension or repealing of the validity of the classification society authorisation pursuant to letter h), stating the substantial reasons for suspension or repealing of the validity of an authorisation,
  - j) each two years evaluates activity of an authorised recognized classification society and send the evaluation of its activities to the European Commission and other Member States by 31 March of the year which will follow after the years when the activity has been evaluated,

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<sup>1a)</sup> The Government Regulation of the Slovak Republic No 180/2001 Coll., establishing details on technical requirements and procedures of the assessment of conformity for vessels designed for recreational purposes.

<sup>1ba)</sup> Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L EU 131, 28. 5. 2009).

- k) cooperates with an authorised recognized classification society in preparing the rules and procedures to perform the activities of such society pursuant to letter b) and to attain the consistent interpretation of international conventions,
  - l) represents the Slovak Republic in international organisations of maritime navigation,
  - m) concludes international agreements related to the maritime navigation,
  - n) submits to the European Commission the report on reasons for a detention of seagoing ships entered in the maritime register and for enlistment of the Slovak Republic into the black or grey list pursuant to the Paris Memorandum of Understanding on port State control not later than four months from the day when the annual report of the Paris Memorandum of Understanding on port State control has been published,
  - o) notify to the European Commission the accredited authorities having the access to data on marine casualties and incidents from the European Marine Casualty Information Platform,
  - p) notify without undue delay to the chairman of the Standing Commission for investigation of marine casualties and incidents the participation of a seagoing ship in the marine casualty or incident,
  - q) may delegate, by mutual agreement, to the competent authority of other Member State the task of leading the marine casualty or incident investigation or some tasks necessary to perform such investigation,
  - r) cooperates with the competent authorities of other Member States and the International Maritime Organisation in adopting the procedures and rules, in establishing and development of the systems necessary to increase the safety of maritime navigation and to the environmental protection and provides to them with necessary information.
- (2) The Ministry fulfils the function of a maritime office and within the framework of this function, the Ministry shall:
- a) keep the maritime register; receives applications concerning the entry of the seagoing ship or recreational craft into the maritime register and applications concerning all changes related to the seagoing ship or recreational craft, which has been already entered into the maritime register,
  - b) perform inspection of seaworthiness of seagoing ships and recreational crafts,
  - c) issue a registration certificate authorising the owner of seagoing ship or recreational craft to fly a flag of the Slovak Republic; also interim registration certificate to the owner of the ship,
  - d) determine Minimum Safe Manning Document of a seagoing ship with regard to its safety operation,
  - e) issue ship's documents in accordance with this act and international conventions and guidelines concerning the navigation and seagoing ship safety,
  - f) approve the first issue of the certificate on exception from technical fitness of the seagoing ship,

- g) issue the insurance certificate on carrier liability<sup>1bb)</sup> pursuant to the model referred to in special regulation,<sup>1bc)</sup>.
- h) approve and checks ship's logs and other ship's documents,
- i) issue authorisation for the carriage of passenger,
- j) perform the control of professional competence of recreational craft crewmembers and skippers,
- k) issue seafarer's<sup>(\*)</sup> books to crewmembers of ships,
- l) issue Professional Competence Certificates for crewmembers, confirmations of Professional Competence Certificates and confirmations of recognition of the Professional Competence Certificates,
- m) in justified cases allow exemptions from required professional experience,
- n) issue Professional Competence Certificates of Recreational Craft Skippers; the Ministry may recognize the professional competence for the recreational craft skipper acquired abroad issued by the competent authority of the foreign state within the scope valid for the specified zone of navigation,
- o) approve the capability of a recreational crafts for navigation and issue a recreational craft international certificate according to Article 54,
- p) keep list of holders of issued seafarer's books, Professional Competence Certificates, acknowledgements of Professional Competence Certificates and acknowledgements of recognition of Professional Competence Certificates and certificates of attending the qualification courses to perform the function according to special regulation<sup>1bd)</sup>, the professional courses of the safety training and additional professional courses for crewmembers and courses for recreational crafts skippers (hereinafter referred to as "qualification courses"),
- r) authorise legal or natural persons to perform qualification courses and supervises these courses; in case of revealing serious deficiencies the Ministry can withdraw authorisation for their performance,
- s) approve qualification courses programmes and teachers.

(3) Prior to granting the authorisation to perform activities of recognised classification society with the residence in other than Members State (hereinafter referred to as the "third country"), which relate to ensuring the technical fitness of a seagoing ship, the Ministry may ask such third country, on the basis of reciprocity, for authorisation of recognised classification societies with the residence in the Members State.

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<sup>1bb)</sup> Annex I Article 1 point 1. letter c) of the Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ EU L 131, 28. 5. 2009).

<sup>1bc)</sup> Annex II Appendix B Part II of the Regulation (EC) No 392/2009 of the European Parliament and of the Council.

<sup>(\*)</sup> NOTE (the note is not included into this act): in the relevant international conventions is applied the term "seaman".

<sup>1bd)</sup> Chapters II to IV of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 in the wording of amendments from the year 1995 (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

(4) The authorisation pursuant to paragraph 1 letter b) shall mean a written contract concluded between the Ministry and recognized classification society which must include in particular:

a) provisions pursuant to Appendix II to the Resolution A. 739(18) of International Maritime Organisation,

b) provisions on financial liability, namely:

1. the right of the Ministry to financial compensation from recognized classification society within extent of judicial or arbitral decision under which the recognized classification society intentionally or through gross negligence has caused a damage to property, a loss of a property, an injury or a death of persons,
2. the right of the Ministry to financial compensation from recognized classification society within extent of judicial or arbitral decision under which the recognized classification society through negligence has caused an injury or death of persons; the financial compensation shall be at least 4 million EUR,
3. the right of the Ministry to financial compensation from recognized classification society within extent of judicial or arbitral decision under which the recognized classification society through negligence has caused a loss or damage of a property; the financial compensation shall be at least 2 million EUR,

c) the provision on periodic check activity pursuant to paragraph 1 letters h) and j),

d) the provisions on possibility to perform the occasional and detailed inspections of seagoing ships,

e) the provision on obligation of the recognized classification society to submit information concerning the classified seagoing ships, their changes, the validity withdrawal or suspension of the seagoing ship's classification class.

(5) In the authorisation pursuant to paragraph 4 the Ministry may lay down for the recognized classification society and obligation to establish an organisation unit in the territory of the Slovak Republic.

(6) The Ministry shall submit to the International Maritime Organisation an application for the audit conducting.

(7) The Ministry shall ensure that the audit conducted by the International Maritime Organisation on the Ministry shall be carried out at least once in every seven years.

(8) The audit results shall be published in accordance with special regulation.<sup>1be)</sup>

(9) The Ministry shall issue a carrier insurance certificate<sup>1bb)</sup> in the event of the death of and personal injury to passengers if the carrier had concluded the one year contract on insurance of liability in the event of marine casualty of a seagoing passenger ship in accordance with special regulation<sup>1bf)</sup>.

(10) The Ministry shall establish and operate a national system for receiving, saving, searching and exchange of SafeSeaNet information for the purpose of the maritime safety in ports and on

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<sup>1be)</sup> Act No 211/2000 Coll. on free access to information and on amendments of some acts (Free Information Act) as amended by later regulations

<sup>1bf)</sup> Regulation (EC) No 392/2009 of the European Parliament and of the Council.

the sea, the environment protection and the efficiency of maritime navigation. The maritime information held in the national SafeSea-Net system shall be confidential. The Ministry shall authorise the persons<sup>1bg)</sup> for access to such system and provide information from this system for the purpose of criminal and civil liability proceedings.

## Article 5

### State Control

- (1) State control authority for the observance of this Act by legal and natural persons (hereinafter referred to as the "mandatory person") is the Ministry.
- (2) The Ministry performs state control according to paragraph 1 by employees of the Ministry appointed by minister (hereinafter referred to as "appointed employee").
- (3) In performing the state control appointed employee has the right enter the seagoing ship or recreational craft as well as the right enter ship or recreational craft owner's premises and facilities related to operation of ship or recreational craft.
- (4) Mandatory person is obliged to allow the appointed employee to enter the seagoing ship or recreational craft, all facilities related to operation of ship or recreational craft and allow him to look into documents related to operation of ship or recreational craft, as well as contact the persons, which the appointed employee considers necessary to communicate with. The owner of the seagoing ship is obliged to enable appointed employee to stay on seagoing shipboard including stay during a voyage and to enable him to use ship telecommunication equipment.
- (5) If appointed employee during performing state control finds either any infringement of this Act or defects that could threaten navigation safety, safety of crew, persons or cargo he shall determine the way and period of removal revealed defects.
- (6) If appointed employee during performing the state control finds out serious or repeated infringement of this Act or international conventions to which the Slovak Republic is bounded, he can:
  - a) withdraw Professional Competence Certificates from master or crewmember (Article 41) or small vessel skipper (Article 56),
  - b) withhold Register Certificate or Interim Register Certificate (Article 14) or Recreational Craft Register Certificate (Article 55) or International Recreational Craft Register Certificate [Article 54 (3)].
- (7) The certificate withdrawn in accordance with paragraph 6 letter a) or documents withheld in accordance with paragraph 6 letter b) shall be delivered by appointed employee to the Ministry for further proceeding.
- (8) The Ministry can decide
  - a) to revoke Professional Competence Certificate withdrawn in accordance with paragraph 6 letter a) for a given period, maximum for three years, and after loosing of health fitness of the holder permanently; return of suspended certificate is subject to examination of the holder.

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<sup>1bg)</sup> Article 8a paragraph 5 of the Regulation of the Government of the Slovak Republic No 67/2007 Coll. on monitoring and information system for maritime navigation as amended by the Regulation of the Government of the Slovak Republic No 441/2010 Coll.

- b) to revoke Registration Certificate withheld in accordance with paragraph 6 letter b) if deficiencies has not been eliminated during the defined period [Article 17 paragraph 3 letter d)],
  - c) to suspend Interim Registration Certificate withheld in accordance with paragraph 6 letter b) if deficiencies have not been eliminated during the defined period,
  - d) to suspend validity of Recreational Craft Register Certificate (Article 55) or International Recreational Craft Competence Certificate withheld in accordance with paragraph 6 letter b) and delete recreational craft from the recreational craft registry (Article 52) if deficiencies have not been eliminated during the period referred in paragraph 5.
- (9) Submitted remedy against decision adopted in accordance with provisions of paragraph 8 has not suspended effect of the decision.

### **PART THREE**

### **SEAGOING SHIP**

#### **Seagoing Ship and Recreational Craft Registration**

##### **Article 6**

##### **Seagoing Ship Identification**

A seagoing ship shall be identified by the following:

- a) the name of the seagoing ship,
- b) the name of the residence of the port of registration,
- c) the international registration number,
- d) the load line mark as far as the seagoing ship with shelter deck is concerned.

##### **Article 7**

##### **Flying the Flags and the President's Banners**

- (1) A seagoing ship to which Registration Certificate or Interim Registration Certificate was issued is entitled to fly the state flag of the Slovak Republic (hereinafter referred to as „state flag“). The president's banner shall also be raised on the top of stern mast when the President of the Slovak Republic is present on the seagoing ship.
- (2) On a seagoing ship, the state flag is raised at the most visible place at the stern of the ship. Any other flag or sign shall not be raised at the place where the state flag is raised. If other flags are raised on a seagoing shipboard together with the state flag the master of the ship shall ensure that these flags are not larger than the state flag.
- (3) An owner of a seagoing ship is authorised to fly a state flag from the date of issue of the Registration Paper and Interim Registration Paper.
- (4) The right to fly a state flag shall expire upon the decision of the Ministry concerning the suspension validity of the Registration Certificate or Interim Registration Certificate of a seagoing ship in accordance with Article 16 or by deletion of a seagoing ship from the Maritime Register in accordance with Article 17.



(5) By the state flag is possible to greet other seagoing ships, to the honour of the official visit of the President of the Slovak Republic, the Chairman of National Council of the Slovak Republic, Prime Minister of the Slovak Republic or delegations of the National Council of the Slovak Republic or delegations of the Government of the Slovak Republic, as well as to express grief at the death of a crewmember.

(6) Flying the state flag of the Slovak Republic and the president's banner according to paragraphs 1 to 5 is without prejudice to the specific regulation<sup>1c)</sup>.

(7) Recreational crafts are adequately covered by paragraphs 1 to 4.

(8) Details on flying the state flag of the Slovak Republic shall be determined by a generally mandatory legal regulation issued by the Ministry.

## Article 8

### Name of a Seagoing Ship and Name of the Port of Registration

(1) The name of a seagoing ship shall be significantly distinguished from the names of other seagoing ships listed in the Maritime Register of the Slovak Republic. The name of a seagoing ship should not offend the dignity of the Slovak Republic.

(2) The name of a seagoing ship shall be situated on the port and starboard sides of the fore and on the stern.

(3) The name of the port of registration shall be situated on the stern of the seagoing ship beneath the name of the seagoing ship. Bratislava is the port of registration for the seagoing ship listed in the maritime register.

(4) A seagoing ship with shelter deck shall be marked with load line mark; such marking shall be performed by the authorised recognized classification society.

## Article 9

### Maritime Register of the Slovak Republic

(1) The Maritime Register of the Slovak Republic (hereinafter referred to as „Maritime Register“) is a non-public list containing comprehensive data concerning seagoing ships, ships under construction and recreational crafts. Abstracts and certificates issued by Maritime Register are considered the public documents. Any person proving a legal interest may look into the maritime register or apply for an extract or copy.

(2) The maritime register comprises three parts:

- a) the National Maritime Register
- b) the International Maritime Register ,
- c) the Register of Recreational Crafts.

(3) Each part of the maritime register shall be kept separately. Each part of the Maritime Register is a non-public list pursuant to paragraph 1. Keeping of Register of Recreational Crafts is governed by Article 52 and Article 53.

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<sup>1c)</sup> Act No 63/1993 Coll. on State symbols of the Slovak Republic and on their use as amended later. Act No 51/1993 Coll. on banner of the President of the Slovak Republic.

(4) National Maritime Register and International Maritime Register consist of the Register Book, the Register Records and the Log of Submissions.

(5) The Register of Recreational crafts consists of the Register Book and the Register Records.

(6) Upon request and for the purpose of the safety enhancement and the prevention of pollution from seagoing ships the Ministry shall provide at last the following information:

- a) the data of the ship (e. g. the name, IMO number),
- b) dates of technical inspections and audits of seagoing ships,
- c) the identification of recognized classification societies
- d) the identification of the competent authority, which performed the technical inspection of a of seagoing ship and dates of the performance of seagoing ship technical inspections,
- e) results of technical inspections performed by the port authority,
- f) information on marine casualties,
- g) the identification of seagoing ships deleted from the Maritime Register during previous 12 months.

#### Article 10

##### National Maritime Register

(1) In the National Maritime Register are registered seagoing ships, the owner of which shall be:

- a) legal person established in the Slovak Republic,
- b) natural person over 18 years of age, the national of the Slovak Republic and with permanent residence in the Slovak Republic.

(2) The crew of a seagoing ship registered in the National Maritime Register is generally constituted of nationals of the Slovak Republic.

#### Article 11

##### International Maritime Register

In the International Maritime Register are registered the seagoing ships, which owner shall be:

- a) legal person established in the Slovak Republic,
- b) legal person registered abroad who proves proper registration in the country of origin,
- c) natural person over 18 years of age, national of the Slovak Republic and with permanent residence in the Slovak Republic
- d) natural person over 18 years of age, without Slovak nationality or stateless person.

#### Article 12

##### Entries in the Maritime Register

(1) The following data are recorded in the National Maritime Register:

- a) serial number of the entry,
- b) date and time of the first entry of the seagoing ship,

- c) name of the seagoing ship,
  - d) identification number of the seagoing ship assigned by the International Maritime Organisation (IMO),
  - e) call sign of the seagoing ship,
  - f) year and place of construction of the seagoing ship,
  - g) basic dimensions of the seagoing ship,
  - h) gross tonnage of the seagoing ship in registered tons and cubic metres,
  - i) type of propulsion of the seagoing ship,
  - j) classification class and navigation area of the seagoing ship,
  - k) purpose of the seagoing ship,
  - l) owner or co-owners of the seagoing ship; name, surname, date of birth and permanent stay in case of natural person and name and residence in case of legal person,
  - m) previous owner of the seagoing ship,
  - n) previous maritime register where the seagoing ship was registered,
  - o) lien and liabilities of the seagoing ship covered by a lien,
  - p) parallel registration of the seagoing ship,
  - r) operator, name, surname, date of birth and permanent stay in case of natural person and name and residence in case of legal person, and legal reason for use of the seagoing ship in case of parallel registration,
  - s) stage of the seagoing ship under construction,
  - u) decision on suspension of registration of the seagoing ship,
  - u) reason and the date of deletion of the seagoing ship,
  - v) date of changes in entry and signature of person who carried out the changes.
- (2) Each seagoing ship is listed in the National Maritime Register and the International Maritime Register as a separate item. The number of the item shall be the serial number of the seagoing ship. The Ministry keeps list of the seagoing ships registered in the National Maritime Register and the International Maritime Register.
- (3) Each item consists of three files:
- a) file I contains data regarding the seagoing ship,
  - b) file II contains data regarding the owner and operator of the seagoing ship in case of parallel registration and legal reason for acquirement and use of the seagoing ship,
  - c) file III contains legal facts that refer to right of lien, reason for deletion of the seagoing ship from maritime register and other facts related to the seagoing ship.
- (4) Any changes of the data referred in paragraph 1 shall be also recorded; errors in records shall be corrected by virtue of duty. The owner of a seagoing ship is obliged to notify the Ministry without delay any changes of the data recorded in the maritime register.

(5) The data recorded in the Maritime Register shall take effect for third persons from the date of their entry into the register.

(6) The first entry of the seagoing ship into the Maritime Register, each year of registration of the seagoing ship, the entry of the seagoing ship under construction in the Maritime Register, the repeated entries of the seagoing ship into the Maritime Register, the entry into the Register of Recreational crafts as well as the issue of Professional Competence Certificates, ship's documents and recreational craft's documents shall be charged in accordance with the special regulation.<sup>2)</sup>

(7) The provisions of the previous paragraphs shall be adequately applied also to the International Maritime Register.

(8) Details on keeping the Maritime Register shall be determined by a generally mandatory legal regulation issued by the Ministry.

### Article 13

#### Entries of a Seagoing Ship into the Maritime Register

(1) Entry of a Seagoing Ship into the Maritime Register may be done on the basis of the proposal only.

(2) The proposal for entry into National Maritime Register can be submitted by:

- a) legal person established in the Slovak Republic,
- b) a natural person, over 18 years of age, who is a national of the Slovak Republic and has permanent residence in the Slovak Republic.

(3) The proposal to entry into National Maritime Register can also by submitted by:

- a) a legal person registered abroad who proves proper registration in the country of origin,
- b) a natural person over 18 years of age, without Slovak nationality or stateless person.

(4) The proposal for entry into National Maritime Register shall be submitted by the owner of the ship for each ship separately.

(5) The proposal for entry of a seagoing ship into the Maritime Register shall be supported by documents showing particulars included in the entry pursuant to Article 12.

(6) A seagoing ship can be entered into the Maritime Register only in case the persons referred in paragraphs 2 and 3 submit documents proving that

- a) the seagoing ship is technically capable of navigation,
- b) the seagoing ship was deleted from the maritime register in another country or the document on suspension of registration of the seagoing ship in the maritime register of another country providing the ship has been concurrently registered pursuant to Article 15; in case of the ship under construction the declaration that the ship has not been entered into the maritime register of another country.

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<sup>2)</sup> Act of the National Council of the Slovak Republic No 145/1995 Coll., on the administrative fees, as amended by later regulations.

(7) The ship under the construction can be entered into the Maritime Register only when persons referred in paragraphs 2 and 3 submit document about the stage of the seagoing ship under construction, and the ownership document of the seagoing ship under construction.

(8) Technical fitness of the seagoing ship shall be proven by:

- a) the certificate of classification class of the seagoing ship issued by recognized classification society authorised by the Ministry,
- b) the certificate of safety of structure of the seagoing ship, the certificate of ship equipment and other certificates issued by the recognized classification society authorised by the Ministry in accordance with international conventions.
- c) in regard to the new construction of seagoing ship in addition to certificates referred in a) and b) also by certificates of technical fitness of a new construction of seagoing ship.

9) A seagoing ship, which was entered in the Maritime Register of another state, may be entered in the Maritime Register only if it was deleted from the Maritime Register of another state or its registration was suspended at the parallel registration and if persons indicated in paragraphs 2 and 3 shall submit:

- a) a certificate according to paragraph 8 and a valid certificate issued by the competent authority of another state certifying that the seagoing ship is capable for navigation,
- b) documents certifying that the seagoing ship equipment is approved in accordance with a special regulation<sup>2a)</sup> or the state of its origin.

10. To obtain the information about existing deficiencies or other facts relating to the safety and the technical fitness of a seagoing ship the Ministry may apply the competent authority of the state, in which Maritime Register the seagoing ship has been last entered, for cooperation. In case of any doubt that a seagoing ship according to paragraph 9 is not able to operate, with regard to the seagoing ship fitness for navigation and before its entry into the Maritime Register the inspection of a seagoing ship may be carried out.

(11) If seagoing ship fails to fulfil conditions set down in paragraph 6 the Ministry shall not recognise the technical fitness of the seagoing ship.

(12) The Ministry shall decide about entry into the Maritime Register on the basis of proposal submitted pursuant to paragraph 6. If the Ministry reveals either the submitted documents show deficiencies or they are incomplete it shall invite the person submitting proposal to remove deficiencies or to complete documents during the period of 30 days. In case the person submitting proposal fails to remove deficiencies and to complete documents in defined period the Ministry through the decision shall reject entry of the seagoing ship into the Maritime Register.

(13) The Ministry can make an entry of the seagoing ship into the Maritime Register for a maximum period of five years. The owner of the seagoing ship may submit a proposal to renew the registration of the seagoing ship six months before the end of this period. The Ministry may repeatedly renew the entry of a seagoing ship into the maritime register, always for the period of five years.

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<sup>2a)</sup> Regulation of the Slovak Republic No 243/2001 Coll., establishing the details on technical requirements and procedures of the conformity assessment for the maritime equipment as amended by the Regulation of the Slovak Republic No 307/2002 Coll.

(14) If the competent authority of the other state applies the Ministry for information about a seagoing ship entered in the Maritime Register, the latter shall provide without delay the information about existing deficiencies or other facts relating to the safety and the technical fitness of a seagoing ship.

#### Article 14

##### Registration Certificate and Interim Registration Certificate

- (1) The Ministry shall certify the entry of a seagoing ship into the maritime register by the issue of a Registration Certificate (hereinafter referred to as "registration").
- (2) If the owner of a seagoing ship cannot fulfil all the requirements to obtain the registration certificate in time, he may ask the Ministry for granting of the permission for temporary operation of the seagoing ship and for the issue of an interim registration certificate.
- (3) The Ministry may permit temporary operation of a seagoing ship if there is reasoned assumption that the owner of the seagoing ship for the time of validity of temporary authorisation will meet all requirements for regular entry of the seagoing ship into the maritime register.
- (4) The validity of an interim registration certificate shall be for the maximum period of six months.
- (5) Maritime navigation may be performed only by a seagoing ship to which the Registration Certificate or Interim Registration Certificate has been granted.

#### Article 15

##### Parallel Registration and Suspension of Registration

- (1) The seagoing ship registered in the Maritime Register of the Slovak Republic may be parallel registered in the maritime register of another country when the registration in the Maritime Register of the Slovak Republic was suspended.
- (2) The seagoing ship registered in the maritime register of another country may be parallel registered in the Maritime Register of the Slovak Republic when the registration in the maritime register of another state was suspended.
- (3) When a seagoing ship is parallel registered in the maritime register of another country the owner a seagoing ship may submit proposal for suspension of the registration of a seagoing ship in the Maritime Register of the Slovak Republic. The Ministry shall decide about suspension of the registration of a seagoing ship in the maritime register.
- (4) If the Ministry decides about suspension of registration of a seagoing ship in the Maritime Register of the Slovak Republic due to parallel registration in the maritime register of another country, the seagoing ship will loose the right to fly state flag and its owner shall without delay hand over registration certificate to the Ministry.

#### Article 16

##### Suspension of the Validity of the Registration Certificate

- (1) The Ministry shall suspend the validity of a registration certificate:
  - a) if any information contained in the register has been changed,
  - b) if the owner of the seagoing ship has infringed provisions of this Act,

- c) if the owner of the seagoing ship applies for a suspension of the registration certificate due to parallel registration in the maritime register of another country in accordance with Article 15.
- (2) Prior to the decision on suspension of the registration certificate in accordance with paragraph 1 letters a) and b), the Ministry shall set down a period for elimination of the deficiency.
- (3) After elimination of the deficiency the Ministry shall return the certificate to the owner of a seagoing ship.
- (4) Suspension of the validity of a registration certificate is without prejudice to the rights of third parties arisen before the suspension of the validity.

#### Article 17

##### Deletion of Registration of a Seagoing Ship from the Maritime Register

- (1) The Ministry shall decide on the deletion of registration of a seagoing ship from the maritime register:
  - a) on the proposal of the owner of the seagoing ship,
  - b) without a proposal.
- (2) The Ministry shall decide on the deletion of a seagoing ship from the maritime register on the basis of the proposal if:
  - a) the seagoing ship has been lost or the ship has become permanently incapable for navigation,
  - b) at the time of change of the registration the state flag of the seagoing ship has been changed,
- (3) The Ministry shall decide on the deletion of a seagoing ship from the maritime register without a proposal if:
  - a) the reconstruction or adaptation has been done in such a way which fails to correspond with original conditions of entry into the maritime register,
  - b) as a consequence of the marine casualty or incident the seagoing ship became permanently incapable for the voyage,
  - c) the validity of registration certificate has not been renewed,
  - d) the deficiency has not been eliminated in specified period pursuant to Article 16 paragraph 2,
  - e) the ship has been detained for the reason of bad ship condition by the port State control authorities more than twice in the course of two years from the last finding.
- (4) The deletion of registration of a seagoing ship from the maritime register terminates the validity of its registration certificate.
- (5) The entries are kept ten years after the deletion of registration of a seagoing ship from the maritime register

## Article 18

### Expiration of the Right to Fly the State Flag

(1) The right to fly the state flag shall expire if the Ministry suspends the validity of the registration certificate due to parallel registration, pursuant to Articles 15 and 16, or if the Ministry deletes the registration of a seagoing ship from the maritime register pursuant to Article 17, paragraphs 2 and 3. The seagoing ship owner or operator shall, without unnecessary delay and after the deletion of seagoing ship from the maritime register, return to the Ministry the registration certificate and other ship documents issued by the Ministry.

## Article 19

### Ownership Right and Lien on a Seagoing Ship

(1) Ownership right and lien on a seagoing ship shall be subject of entry into the maritime register.

(2) Contracts concerning the transfer of ownership right on a seagoing ship shall be in a written form.

(3) Transfer of the ownership of mortgaged seagoing ship is subject to the consent of lien creditor. Legal facts are entered into the maritime register pursuant to the sequence of received proposals.

(4) If this act does not impose otherwise the ownership lien on movable assets, seagoing ship or individual equity shares of a seagoing ship shall be governed by provisions of special regulations.<sup>3)</sup>

(5) Paragraphs 1 to 4 shall refer accordingly to recreational crafts.

## Article 20

### Ship's Papers, Log Books and other Ship's Documents

(1) Following originals of ship's papers, log books and other ship's documents shall be kept on a seagoing ship:

- a) Registration Certificate or Interim Registration Certificate;
- b) New Ship Construction Certificate;
- c) Permission to establish and operate a ship's radio station;<sup>4)</sup>
- d) ship classification class certificate;
- e) International Ship Tonnage Measurement Certificate;
- f) Passenger Ship Safety Certificate;
- g) Ship Safety Construction Certificate;
- h) Ship Equipment Safety Certificate;
- i) Ship Safety Radio Certificate;

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<sup>3)</sup> Articles 123 to 142 and 151a to 151g of the Civil Code.  
Commercial Code.

<sup>4)</sup> Act No. 110/1964 Coll. on telecommunications as amended by the Act No 308/2000 Coll.



- j) Exemption Certificate, including, where appropriate, the List of Cargoes;
- k) Ship Safety Certificate;
- l) International Ship Security Certificate (ISSC);
- m) Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
- n) Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
- o) International Oil Pollution Prevention Certificate;
- p) International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- q) International Load Line Certificate;
- r) International Load Line Exemption Certificate;
- s) Minimum Safe Manning Document;
- t) Certificates or any other documents required in accordance with special regulation;<sup>4a)</sup>
- u) Medical certificates in accordance with Article 41;
- v) Certificates as to the ship's hull strength and machinery installations;
- x) High speed craft safety certificate<sup>4b)</sup> and permit to operate high speed craft;
- y) Special purpose ship safety certificate;
- z) Mobile offshore drilling unit safety certificate;
- aa) Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (International Convention on Civil Liability for Oil Pollution Damage, 1992);
- ab) Certificate on the insurance of shipowners for maritime claims in accordance with Article 40a;
- ac) Certificate on the insurance of the carrier in the event of the death of and personal injury to passengers;
- ad) International Air Pollution Prevention Certificate;
- ae) International Sewage Pollution Prevention Certificate;
- af) Document of Compliance and the Safety Management Certificate issued in accordance with special regulation;<sup>4c)</sup>
- ag) Document of compliance with the specific requirements for ships carrying dangerous goods;
- ah) Dangerous goods special list or manifest, or detailed stowage plan;

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<sup>4a)</sup> International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended in 1995 (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>4b)</sup> Regulation of the Government of the Slovak Republic No 581/2006 Coll. on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.

<sup>4c)</sup> Chapter IX of the International Convention for the Safety of Life at Sea (Solas 1974) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

- ai) for oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
- .aj) the muster list, fire control plan, and for passenger ships, a damage control plan;
- ak) Shipboard oil pollution emergency plan;
- al) Survey report files in case of bulk carriers and oil tankers;
- am) Reports of previous port State control inspections;
- an) for ro-ro passenger ships, information on the A/A maximum ratio;
- ao) Document of authorisation for the carriage of grain;
- ap) Cargo securing manual;
- aq) Garbage management plan and garbage record book;
- ar) Decision support system for masters of passenger ships;
- as) SAR cooperation plan for passenger ships trading on fixed routes;
- at) List of operational limitations for passenger ships;
- au) Bulk carrier booklet (bulk carrier stability manual);
- av) Loading and unloading plan for bulk carriers;
- ax) Crewmembers work organization plan;
- ay) Records of hours of work and rest of crewmembers;
- az) Ship stability information;
- ba) Oil record book;
- bb) Cargo record book;
- bc) Continuous Synopsis Record;
- bd) Permission to carriage the passengers if a seagoing ship is designed for carriage of passengers;
- be) Passenger list if a seagoing ship is designed for carriage of more than twelve passengers;
- bf) Ship's log book;
- bg) Log book with respect to the records of tests and drills, including crewmember security drills;
- bh) Log book with respect to the records of inspection and maintenance of lifesaving appliances and arrangements and of fire fighting appliances and arrangements;
- bi) Engine room log book;
- bj) Medical log book;
- bk) Radio Communication Service log book;
- bl) Crewmember list;
- bm) Other certificates and documents prescribed by international agreements.

(2) Ship's papers, log books and other ship's documents referred in paragraph 1 letters a) to t), v) to z), ad) to ag), al) to au), bb) to bd), bf), bi) to bk), bm) shall be considered as public documents.

(3) Details on keeping the ship's papers, log books and other ship's documents shall be imposed by a generally mandatory legal regulation issued by the Ministry.

## Article 21

### Seafarer's Book

(1) The seafarer's book is the document of identification of a crewmember, of his rank on the seagoing shipboard and of the period of his service on the seagoing shipboard.

(2) Each crewmember of a seagoing ship who is a national of the Slovak Republic shall have a seafarer's book issued by the Ministry; validity period of the seafarer's book is maximum ten years.

(3) Application for issuing a seafarer's book can be submitted by national of the Slovak Republic, who shall submit a document proving that he has been a crewmember on the seagoing shipboard or on the basis of promise of employment on the seagoing shipboard.

(4) Application for issuing a Seafarer's book can be submitted by a natural person without Slovak nationality or stateless person on the basis of promise of employment on the seagoing shipboard.

(5) The application for the issue of a Seafarer's Book shall include:

- a) name, surname and the address of the applicant's permanent stay,
- b) date and place of birth, nationality, number of identity card or a similar document, name, surname and the address of the permanent stay of an applicant's relative,
- c) blood-group, height of a body, colour of hair, physiognomy, colour of eyes, nose shape, special mark.

(6) Personal data pursuant to paragraph 5 may be supplied upon the request to the port authorities, the seagoing ship owner, the seagoing ship operator and to the person mediating employment for the crewmember.

(7) The following data shall be recorded in the seafarer's book:

- a) name and surname of the crewmember,
- b) date and place of birth, nationality, name, surname and the address of the permanent stay of an applicant's relative, blood-group, height of a body, colour of hair, physiognomy, colour of eyes, nose shape, special mark of the crewmember,
- c) name of the seagoing ship,
- d) call sign of the seagoing ship,
- e) gross tonnage of the seagoing ship, in registered tonnes,
- f) power of main engines of the seagoing ship,
- g) state flag of the country in which the ship is registered,

- h) port of registration of the seagoing ship,
  - i) the owner of the seagoing ship, name and surname in case of the natural person, name in case of the legal person,
  - j) rank of the seafarer on the shipboard,
  - k) port and date of embarkation,
  - l) port and date of disembarkation,
  - m) time of embarkation.
- (8) During the embarkation and disembarkation of a crewmember the master of the seagoing ship shall sign seafarer's book and shall endorse it by the ship's stamp.
- (9) Seafarer who is not a national of the Slovak Republic shall hold a seafarer's book issued in accordance with international conventions.
- (10) For the issue a Seafarer's book an administrative fee according to special regulation<sup>2)</sup> shall be levied.

#### Article 22

##### Crew List

- (1) Each crewmember of a seagoing ship shall be listed in the crew list.
- (2) Seafarer shall be recorded into the crew list during the embarkation and deleted from the crew list during the disembarkation. The record of embarkation confirms the starting of his sea service on the seagoing shipboard and deletion of the seafarer from the crew list confirms the ending of his sea service on the seagoing shipboard.
- (3) Master of the seagoing ship shall record the embarkation of a seafarer immediately after his embarkation. The master shall delete a seafarer from the crew list immediately after his disembarkation. The master of the seagoing ship shall also make a record in the crewmember seafarer's book.

### **PART FOUR**

#### **PERFORMANCE OF MARITIME NAVIGATION**

#### Article 23

##### Crew Composition

- (1) Crew consists of the master of the seagoing ship, officers, assistant and ratings.
- (2) Master of the seagoing ship is appointed and recalled by the owner of the seagoing ship.
- (3) Officers are those persons from the crewmembers who hold certificate of professional competence and were designated to officer rank (hereinafter referred to as "officers").
- (4) Rating is a member of the ship's crew other than the master and officers of the seagoing ship.
- (5) Any crewmember shall be professionally competent with medical fitness for service on the seagoing shipboard.

(6) Number of crewmembers and composition of the crew shall comply with requirements set by international conventions relating to safe navigation.

(7) Employment of foreigners or stateless persons as crewmembers does not require permission for residence in the territory of the Slovak Republic and employment permission and permission pursuant to special regulations.<sup>5)</sup>

(8) The minimum safe manning and composition of the crew for each seagoing ship shall be determined by the Ministry. It shall take into account type, equipment and size of the seagoing ship and navigation area for which the ship shall be designed. The Ministry shall enter the minimum safe manning and composition of the crew into the minimum safe manning certificate.

#### Article 24

##### Duties of the Seagoing Ship Master

Master of the seagoing ship is obliged in particular to:

- a) meet ship owner instructions,
- b) ensure safe operation of the seagoing ship; for this purpose he is authorised to use any measures necessary for safe navigation, maintenance of order on the seagoing shipboard and securing the capability of the seagoing ship in compliance with legislation of the Slovak Republic, provisions of international conventions, recommendations of the International Maritime Organisation, generally accepted and recognised conventions and habits in maritime navigation and with legislation of coastal state,
- c) establish conditions necessary for safe carriage of passengers, safety of the crew and cargo and to specify the suitable working communication language for all crew members,
- d) perform all measures necessary for prevention of damage threatening the seagoing ship, carried passengers, crewmembers and cargo,
- e) provide assistance to a person in the sea, aboard a seagoing ship, recreational craft or aircraft in emergency in case that he is able to do it without exposure of the seagoing ship, carried passengers or crewmembers to danger,
- f) in case of a marine casualty referred to in Article 28 paragraph 1 letters c) to f), perform all measures in accordance to letters c) and d) and also record the marine casualty or incident,
- g) in case of collision with another seagoing ship notify the name of the ship under his command, name of the port of registration, port of departure and port of destination to the master of the ship with which collision occurred,
- h) without unnecessary delay, inform the owner of the seagoing ship and the Ministry about the marine casualty or incident which caused death or serious injury to a person aboard a seagoing ship or to another person in connection with seagoing ship operation or which might effect the seaworthiness of the seagoing ship or cause damage to the cargo,
- i) without unnecessary delay inform the owner of the seagoing ship and the Ministry about missing man or man overboard and make an entry into ship's log book,

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<sup>5)</sup> Article 20 paragraph 2 letter s) of the Act of the National Council of the Slovak Republic No 387/1996 Coll. on the employment.

- j) without unnecessary delay, inform the owner of the seagoing ship and the Ministry about any involvement of the seagoing ship in collision or about any damage caused by seagoing ship to property of third persons,
- k) ensure that all of the seagoing ship equipment, working procedures and conditions comply with labour safety regulations and regulations on protection of health at work,<sup>6)</sup>
- l) ensure proper care of
  - 1. entrusted cargo at loading, during navigation and unloading,
  - 2. safety loading and unloading of the bulk carrier,
  - 3. ship-generated waste and cargo residues,
  - 4. ship's papers, log books and other documents in accordance with this Act and international conventions,
  - 5. documents in accordance with this Act for crewmembers,
  - 6. documents relating to cargo.
- m) ensure that during seagoing ship operation no pollution of the sea shall occur and ensure compliance with regulations on jettison or discharge of waste or other harmful substances in the sea,
- n) ensure that no polluting substances have been discharged from seagoing ships into areas referred to in Article 28a paragraph 3,
- o) ensure the observance of the International Ship and Port Facility Security Code (ISPS Code) (hereinafter referred to as „Ship and Port Facility Security Code")<sup>6a)</sup>,
- p) observe international principles concerning the ban of carriage of slaves, suppression of piracy and illegal acts against maritime navigation safety,
- r) ensure that the crewmembers shall not perform any illegal trade of drugs and psychotropic substances,
- s) ensure that the ship shall not perform unauthorised broadcasting from the open sea,
- t) without unnecessary delay inform the seagoing ship owner and the Ministry on the detention of the ship or any restriction of the seagoing ship's rights as well as its crewmembers,
- u) in the case of a criminal offence committed aboard the seagoing ship proceed pursuant to Article 30,
- v) within the scope of his powers settle claims raised by crewmembers and passengers relating to board and lodging deficiencies, medical care, working conditions and relationships between persons on the seagoing shipboard,

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<sup>6)</sup> e.g. the Act of the National Council of the Slovak Republic No 272/1994 Coll. on health protection, as amended by later regulations, Act of the National Council of the Slovak Republic No 330/1996 Coll. on safety and protection of health at work, as amended by Act No 95/2000 Coll., Articles 132 to 138 of Labour Code, as amended by later regulations.

<sup>6a)</sup> Chapter XI of the International Convention for the Safety of Life at Sea (Solas 1974 as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

- z) co-operate with the embassy of the Slovak Republic (hereinafter referred to as "embassy ") which is the closest to a place where the seagoing ship is situated, to a destination port or with other authorities, if it is required by the circumstances,
- aa) meet the reporting obligations in relation to port authorities and submit the ship's documents to port authorities, appointed employee of the Ministry or to the embassy to look therein,
- ab) ensure the comprehensible form of communication between the seagoing ship and coastal authorities and seagoing ships to one another in accordance with international agreement<sup>6b)</sup>.

#### Article 25

##### Relation of Master of the Seagoing Ship to Persons Aboard the Ship

- (1) Master of the seagoing ship is obliged to apply the powers of a ship commander.
- (2) All crewmembers and passengers are obliged to follow commands of master of the seagoing ship ordered in accordance with his powers.
- (3) Master of the seagoing ship shall take necessary measures against a person aboard the ship who failed to fulfil his command. If such a person threatens/represents a threat to/ safety of the seagoing ship, its passengers, crewmembers or cargo and if there is no other possibility, or if there is a reasonable suspicion that there was a criminal offence committed, then the master of the seagoing ship is authorised to place such a person in a separated space. Master is obliged to make an entry thereof in the log book and without unnecessary delay to inform the embassy situated nearest to the port of arrival of the seagoing ship. In case of a foreign national the master of the seagoing ship shall notify also the nearest police station.

#### Article 26

##### Authorisation of Seagoing Ship Master

- (1) Master of the seagoing ship is authorised to execute legal acts on behalf of ship owner and upon ship owner responsibility, which are necessary for operation of the seagoing ship, including legal acts concerning employment relations.
- (2) Master of the seagoing ship is authorised to sell or to pledge the seagoing ship and cargo, as well as to claim any liabilities resulting from contract of carriage or to execute any other legal act, however, based only upon written authorisation of seagoing ship owner or of cargo owner, if it relates to the cargo.
- (3) In the case of urgent interest of the seagoing ship owner, crewmember or another person aboard the ship, the master of the seagoing ship is authorised to verify and certify signature or a copy or duplicate of a document free of charge.

#### Article 26a

##### Access of seagoing ship to port or anchorage

- (1) The operator, agent<sup>6c)</sup> or master of a seagoing ship which has to be subjected to an expanded inspection and bound for a port or anchorage of a Member State, shall submit to the port authority or body or to the authority or body designated for that purpose, at least three days

<sup>6b)</sup> International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>6c)</sup> Article 2 letter b) of the Regulation of the Government of the Slovak Republic No 67/2007 Coll.

before the expected time of arrival in the port or anchorage or before leaving the previous port or anchorage, if the voyage is expected to take fewer than three days, the following information:

- a) ship identification (name, call sign, IMO identification number or MMSI number),
- b) planned duration of the call,
- c) tanker's hull configuration, condition of the cargo and ballast tanks, volume and nature of the cargo,
- d) planned operations at the port or anchorage of destination (e. g. loading, unloading),
- e) planned periodic survey inspections and substantial maintenance and repair works to be carried out whilst a seagoing ship is in the port of destination,
- f) date of last expanded inspection in the territory within which the states, that signed the Paris Memorandum of Understanding, carry out expanded inspections.

(2) The information referred to in paragraph 1 shall be supplied in electronic format and in accordance with special regulation.<sup>6d)</sup>

(3) The operator or master of the seagoing ship shall ensure that sufficient time is available in the operating schedule to allow the expanded inspection to be carried out. Without prejudice to control measures required for security purposes, the seagoing ship shall remain in the port until the inspection is completed.

#### Article 26b

##### Refusal of access of seagoing ship to port or anchorage

(1) The seagoing ship owner or operator may apply the port authority, which ordered a refusal of access of the seagoing ship to port or anchorage (hereinafter referred to as the "refusal of access", for repeal of such order. A request shall be submitted to the port authority that imposed the refusal of access order. This request must be accompanied by an opinion of the expert authorised by the Ministry who carried out the survey of the seagoing ship, proving conformity with the international conventions and by a document issued by the classification society which has classified the ship, proving that this ship conforms to the classification class standards stipulated by the classification society. The Ministry shall confirm to the port authority that the expert has carried out a survey.

(2) The refusal of access order shall be repealed if the ship owner or operator submits to the authority of a port, where deficiencies on the seagoing ship have been found, an evidence showing that the ship meets requirements established the international conventions.

(3) If deficiencies can't be remedied in the port of detention and the port authority permits for the seagoing ship the voyage to the other port selected by the seagoing ship master and the port authority in which such deficiencies may be remedied, the seagoing ship master shall ask the Ministry to specify the conditions for the voyage to a selected port. The conditions for the voyage specified by the Ministry and approved by the port authority shall apply to the safety and health of passengers and crewmembers, the safety of other seagoing ships and the sea environment protection.

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<sup>6d)</sup> Regulation of the Government of the Slovak Republic No 67/2007 Coll.



(4) If a seagoing ship is unduly detained or delayed, the seagoing ship owner or operator shall be entitled for compensation for any loss or damage suffered; in this case the burden of proof shall lie with the owner or operator of the seagoing ship.

(5) The owner or operator of a seagoing ship shall have a right of appeal against seagoing ship detention or refusal of access by the port authority. An appeal shall not cause the detention or refusal of access to be suspended.

(6) The costs of a seagoing ship re-inspection, to which a seagoing ship shall subject before an access order will be refused, shall be borne the seagoing ship owner or operator.

(7) The seagoing ship owner or operator shall cover the costs relating to:

- a) the initial, more detailed and expanded inspections of a seagoing ship,
- b) the seagoing ship detention; the detention shall not be repealed until full payment is made or a sufficient guarantee is given for reimbursement of such costs.

(8) The costs relating to the inspections shall be covered by the seagoing ship owner or operator or by their representative.

(9) The natural person or the legal person with a legitimate interest in the safe operation of the seagoing ship, the safety and health of crewmembers, on-board living and working conditions and the prevention of environment pollution may submit the complaint to the port authority.

(10) Provisions of 1 to 9 and Article 26a shall not apply to the seagoing yachts.

#### Article 27

##### Sea Protest

(1) Sea protest is a legal act intended for observance of the rights if

- a) death or serious bodily injury was caused,
- b) damage of a seagoing ship or cargo arose or might arise.

(2) Sea protest shall include complete and accurate description of all important circumstances under which death or serious injury of persons aboard the ship, damage of the seagoing ship or cargo occurred or might occur and measures taken to prevent or reduce the loss. Abstract of a log book, engine room log book and, if necessary, copy or duplicate of the appropriate ship's documents and papers shall constitute a part of the protest.

(3) Sea protest shall be submitted by master of the seagoing ship to embassy in the nearest port of arrival of the seagoing ship. If it is impossible to submit sea protest to the embassy, master of the ship shall submit sea protest in the nearest port of arrival of the seagoing ship.

- a) the court or maritime authority, or
- b) the notary.

(4) Master of the seagoing ship shall be obliged, to submit the sea protest according to paragraph 1 within 24 hours after arrival of the seagoing ship into the port. If the event constituting the matter of the sea protest would occur in the port, then the master of the ship master shall be obliged to submit the sea protest within 24 after such event.

## Article 28

## Marine casualty and marine incident

(1) Marine casualty means an event that has resulted in any of the following:

- a) the death of, or serious injury to, a person that is caused by, or in connection with, the operations of a seagoing ship,
- b) the loss of a person from a seagoing ship that is caused in connection with, the operations of a seagoing ship,
- c) the total loss, presumed total loss or abandonment of a seagoing ship,
- d) the damage to a seagoing ship,
- e) the stranding or disabling of a seagoing ship, or the involvement of a seagoing ship in a collision,
- f) the damage being caused in connection with the operation of a seagoing ship,
- g) the damage to the environment brought about by the damage of a seagoing ship in connection with its operations.

(2) The serious casualty shall mean a marine casualty which involves a fire, explosion, collision with other object, grounding, contact with other ship, ice or heavy weather damage, hull cracking or suspected hull defect resulting in:

- a) the immobilization of main engines, extensive accommodation damage, severe structural damage rendering the seagoing ship unfit to proceed in voyage, or
- b) the environment pollution and a breakdown of the seagoing ship necessitating towage or shore assistance.

(3) The very serious casualty shall mean a marine casualty which involves the death, the total loss of the seagoing ship or severe environment pollution.

(4) The marine incident shall mean an event which may pose a risk to the seagoing ship, the natural person on the seagoing ship or as a result of which serious damage to the seagoing ship or the environment is caused.

(5) The Minister of Transport, Construction and Regional Development of the Slovak republic shall appoint and revoke the members of a permanent commission for the marine casualty and incident investigation (hereinafter referred to as the "permanent investigative commission"). The marine casualty or marine incident shall be investigated by the investigator of marine casualty and incident (hereinafter referred to as the "investigator") or by the expert commission for the marine casualty and incident investigation (hereinafter referred to as the "expert investigative commission"). The investigator shall be appointed and the expert investigative commission shall be established by the chairman of permanent commission from the members of permanent investigatory commission. The chairman of permanent investigative commission performs a function of the head of specialized unit of the Ministry.<sup>7)</sup> The members of permanent

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<sup>7)</sup> Article 18 of the Act No 143/1998 Coll. on civil aviation (Aviation Act) and on amendments of some acts in the wording of later regulations."

investigative commission shall not be the persons whose interests could conflict with the aim of impartial investigation of the marine casualty or incident. In investigating the permanent investigative commission shall be independent of the Ministry. The member of permanent investigative commission shall be graduated with degree two, maritime navigation specialization and engineering or other technical specialization.

(6) If during a marine casualty or incident a criminal offence has been committed, the Ministry shall submit the matter to the law enforcement authorities.

(7) An investigation of marine casualty or incident shall be started no later than two months from the day when a marine casualty or incident occurred.

#### Article 28a

##### Measures against discharge of polluting substances into the sea

(1) Polluting substances shall mean oil substances<sup>7a)</sup> and noxious liquid substances.<sup>7b)</sup>

(2) A discharge shall mean a discharge of polluting substances from the seagoing ship into the sea pursuant to international convention.<sup>7c)</sup>

(3) A discharge of polluting substances from the seagoing ship shall be prohibited in following areas:

- a) the internal waters, including ports, of a Member State, in so far as the international convention<sup>7d)</sup> is applicable,
- b) the coastal waters of a Member State,
- c) sea straits used for international navigation subject to the regime of transit passage pursuant to the international convention<sup>7e)</sup> to the extent that a Member State exercises jurisdiction over such sea straits,
- d) the exclusive economic zone or equivalent zone of a Member State, established in accordance with international law,
- e) the high seas.

(4) The paragraph 3 shall not apply to the warships, auxiliary warships and the ships owned or operated by a State and used for other than commercial service.

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<sup>7a)</sup> Annex I of the International Convention for the Prevention of Pollution from Ships (Marpol 1973) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>7b)</sup> Annex II of the International Convention for the Prevention of Pollution from Ships (Marpol 1973) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>7c)</sup> Article 2 of the International Convention for the Prevention of Pollution from Ships (Marpol 1973) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>7d)</sup> The International Convention for the Prevention of Pollution from Ships (Marpol 1973) as amended by later regulations (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>7e)</sup> Part III Section 2 of the United Nations Convention on the Law of the Sea (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 242/1996 Coll.).

(5) A discharge of polluting substances from the seagoing ship shall not be regarded as an infringement of paragraph 3, if the requirements, imposed by the generally binding legal regulation issued in accordance with paragraph 7, are satisfied.

(6) The master or the owner or the operator of a seagoing ship shall not be responsible for a discharge of polluting substances from the seagoing ship into the areas referred to as in paragraph 3 letters c) to e), if the requirements, imposed by the generally binding legal regulation issued in accordance with paragraph 7, are satisfied.

(7) Rules concerning a discharge of polluting substances from the seagoing ship shall be imposed by the generally binding legal regulation issued by the Ministry.

#### Article 29

##### Measures to be Taken in Case of Unavoidable Total Loss of a Seagoing Ship

(1) Unavoidable destruction of the seagoing ship means destruction of the seagoing ship which shall not be prevented by means of any accessible measures.

(2) In case of a threat of unavoidable destruction of the seagoing ship the master shall carry out all measures to rescue carried passengers, crewmembers and ship's documents, charts, log books, valuables, and cash.

(3) In case of unavoidable destruction of the seagoing ship, the master shall be the last person abandoning the ship.

#### Article 30

##### Measures to be Taken in Case of Act with Attributes of a Criminal Offence

(1) If facts indicate that the act with attributes of a criminal offence occurred aboard the ship (hereinafter referred to as "offence") the master of the seagoing ship is obliged to

- a) take measures without unnecessary delay to prevent the offender from continuing his criminal activities or to avoid liability,
- b) ask the person suspicious from committing the offence as well as the witnesses of the offence for necessary explanation and take all measures necessary to secure evidences,
- c) draw up a detailed record about the offence, which shall be signed by the master of the seagoing ship or his deputy.

(2) The master of the seagoing ship shall submit record according to paragraph 1 letter c) and evidences relating to committed offence to embassy nearest to the port of arrival. The master of the ship also arranges the way of handing over the person suspicious from committing the offence with the embassy. If concerned person is a national of the Slovak Republic the embassy shall hand over the counterpart of the record and information about the measures taken in country of arrival to the Attorney General of the Slovak Republic without unnecessary delay.

(3) The master of the ship during the drawing up a record and securing evidences, shall proceed according to special regulation.<sup>8)</sup>

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<sup>8)</sup> Criminal Code.

## Article 31

### Measures to be Taken in Case of Birth or Death aboard the Seagoing Ship

- (1) About any birth or death aboard a seagoing ship, missing or man overboard, the master of the seagoing ship shall be obliged to draw up a record in a presence of two crewmembers within 24 hours, to make an entry of the event into the log book and to notify this fact also to the seagoing ship owner and the embassy nearest to the port of arrival of the seagoing ship.
- (2) In case of death aboard a seagoing ship the master of the seagoing ship shall decide on the way of transport of deceased person to the nearest port or his/her burial in the sea. If possible, the master of the seagoing ship shall take decision after consultation to a doctor.
- (3) The master of the seagoing ship in presence of two witnesses shall elaborate a list of all property of the deceased person held aboard the ship and shall take measures to ensure custody of such a property until it will be handing over to the owner of the seagoing ship or to people close to the deceased person.<sup>9)</sup> In addition to the master this list shall also be signed by both witnesses. The master of the seagoing ship shall make the respective entry into the log book.
- (4) Record on (Registration of) birth or death aboard the seagoing ship is another document of the registry event according to special regulation;<sup>10)</sup> master of the seagoing ship shall handed it over together with the list of property of the deceased person and testament (if any), to the embassy nearest to the port of arrival of the seagoing ship. Any other procedure shall be discussed by the master of the seagoing ship with both the embassy and owner of the seagoing ship.
- (5) Particulars on measures taken at birth, death aboard the seagoing ship, missing or man overboard, shall be regulated by a generally mandatory regulation issued by the Ministry prior to agreement with the Ministry of Interior of the Slovak Republic.

## Article 32

### Pilot Services

- (1) Master of the seagoing ship is obliged to use the services of pilot who is familiar with navigability conditions in locations where prescribed by legislation of the coastal state.
- (2) Master of the seagoing ship is authorised to use the services of pilot also in locations where it s not obligatory, if he considers it necessary with regard to safety of navigation.
- (3) Master of the seagoing ship is obliged to provide the pilot with any information on the seagoing ship relating to use of his services.
- (4) Responsibility of the master of the seagoing ship for steering of the seagoing ship in case of using the pilot services shall be untouched except for areas explicitly mentioned in legislation of the coastal state stipulating that the pilot shall take responsibility of the steering of the seagoing ship.

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<sup>9)</sup> Article 116, Civil Code.

<sup>10)</sup> Article 23 paragraph 3 of the Act No 154/1994 Coll., on registry offices.

## **PART FIVE**

### **GENERAL AVERAGE AND RESCUE OF PROPERTY**

#### Article 33

##### General Average

- (1) In case that a seagoing ship and cargo are under common maritime threat, then the master of the seagoing ship, if possible, with prior consent of the owner of the seagoing ship can decide on purposeful and deliberate causing a damage of a lesser extent and to prevent a greater damage (hereinafter referred to as "general average").
- (2) Damage arisen from general average shall be shared among seagoing ship, freight and cargo proportionally to their respective values at the expenses of the seagoing ship owner and cargo owner who shall be obliged to bear proportional part of incurred damage.
- (3) Compensation of damage arisen on the seagoing ship or cargo and which is not a general average, shall be subject to special regulations.<sup>11)</sup>
- (4) To secure the claims arising from general average, the owner of the seagoing ship has lien on cargo carried by the seagoing ship.
- (5) The master of the seagoing ship may withhold cargo on which proportional part of damage from general average ties, if this is not paid or there is no proper guarantee given.
- (6) The owner of the seagoing ship is obliged, upon request of other parties to general average, to give proper guarantee for proportional damage from general average which is allocated to the seagoing ship before leaving the port where the voyage during which general average occurred ended.

#### Article 34

##### General Average Proceeding

- (1) The amount of compensation, the way and distribution of contributions shall be determined either in the port of registration of the seagoing ship concerned or in the port in which the voyage related to general average ended unless agreed otherwise between parties involved in general average.
- (2) The owner of the seagoing ship is obliged after declaration of general average, without unnecessary delay to do all acts needed for general average statement and in particular, to appoint a single average adjuster or several average adjusters according to the list kept by the Slovak Chamber of Commerce and Industry.
- (3) The average adjuster shall draw up the general average statement in writing, he shall sign the latter and mark it with his stamp.

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<sup>11)</sup> e.g. Article 420 to 450, Civil Code; Article 373 to 386, Commercial Code.

## Article 35

### Rescue of Property

- (1) Reward adequate to the degree of threat of rescued values, threat of rescuer, his efforts and successful rescue for rescue of the seagoing ship and other values aboard the seagoing ship performed on voluntary basis belongs to the rescuer.
- (2) Claim for such reward shall arise for the rescuer if at least minimum property values have been rescued.
- (3) Reward for the rescue of a seagoing ship or property values shall be provided to the owner of the seagoing ship which carried out the rescue operation. The owner of the seagoing ship shall lodge a claim for proportional part of compensation also from owners of other values aboard the seagoing ship who were beneficiaries of a successful rescue.
- (4) No claim for such a reward shall arise, if master of the seagoing ship concerned did not wish rescue explicitly and reasonable.
- (5) Reward for the rescue belongs to crewmembers of the seagoing ship which offered rescue also in such a case when the saved seagoing ship and the seagoing ship which was in danger have the same owner.
- (6) The claim for reward for rescue shall be out of date three years after event happened.
- (7) Performing of rescue activities, the way of settlement between rescuer and rescued and conditions for protection of environment during rescue, shall be governed by international conventions.

## PART SIX

### SEAGOING SHIP OWNER

## Article 36

### Liability of Seagoing Ship Owner for Damage

- (1) Seagoing ship owner is liable for damage caused by the shipmaster of the seagoing ship and crewmembers during the performance of sea navigation pursuant to general regulations on compensation for damage.<sup>11)</sup>
- (2) The owner of the seagoing ship is liable for damage caused by pilot, except for as referred in Article 32 (4).
- (3) The seagoing ship owner is liable for damage caused to the shipmaster and crewmembers, which arose them during performing duties or in direct connection with them according to special regulations.<sup>12)</sup>

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<sup>12)</sup> Articles 187 to 205c of the Civil Code as amended by later regulations.

## Article 37

### Limitation of Extent of Compensation for Damage

- (1) The seagoing ship owner and the rescuer may, in cases determined by the international agreement, use their right for limitation of extent of compensation for damage caused either during performance of maritime navigation or by seagoing ship activity.
- (2) Limitation of extent of compensation for damage according to section 1 is related also to persons mentioned in **Article** 36 sec. 1 and 2 if claims for compensation for damage caused during maritime navigation performance have been brought against them.
- (3) Liability for damage means liability for damage related to the seagoing ship operation in cases when liability for damage is claimed against the seagoing ship.
- (4) Enforcement of the right for limitation of extent of compensation for damage does not mean acknowledgement of liability for damage.
- (5) Right to limitation of extent of compensation for damage may not be applied by a person who caused damage intentionally.
- (6) Limitation of extent of compensation for damage and counterclaims inclusion shall be governed by international agreements.

## Article 38

### Maritime Lien

- (1) Maritime lien arises together with rise of claim of
  - a) seagoing ship master and crewmembers for salary including repatriation expenses, health insurance, social security and old-age pension scheme,
  - b) seagoing ship master and crewmembers for expenses being provided in connection with injury at work, for funeral expenses in case of death and for support of surviving relatives when such events occurred in relation with the seagoing ship operation,
  - c) the seagoing ship master and crewmembers for reward for rescue of the seagoing ship or other property,
  - d) authorised subjects for compensation of port, transit, pilot and other charges,
  - e) authorised subjects for compensation of damage emerged from operation of the ship with the exception of losses on cargo, containers and personal property carried aboard the seagoing ship.
- (2) Maritime lien is provided according to the special regulation<sup>13)</sup>, unless this act imposes otherwise.
- (3) For ensuring claims according to section 1 the maritime right of lien arises to the seagoing ship and to other property of the seagoing shipowner, unless these claims have been satisfied
- (4) Settlement of claims according to paragraph 1 takes precedence over other claims ensured by other lien.
- (5) Period of limitation applicable to raising claims according to section 4 is one year from rise of these claims.

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<sup>13)</sup> Articles 151a to 151m of the Civil Code.



## Article 39

## Responsibility of the Seagoing Ship Owner during Cargo Transport

- (1) The owner of the seagoing ship is responsible for observance of agreed cargo transport conditions.
- (2) Conditions of the seagoing ship owner responsibility during the transport of cargo are governed by international agreements.

## Article 40

## Obligations of the Owner of the Seagoing Ship

The owner of the seagoing ship shall be obliged, particularly to

- a) perform the maritime navigation in accordance with legal order of the Slovak Republic,
- b) ensure the seagoing ship master to follow generally mandatory legal regulations concerning raising the flag of the Slovak Republic, the president's banner and other flags,
- c) maintain the seagoing ship in seaworthy condition according to provisions of this act, international conventions as well as to international rules and usage,
- d) appoint the seagoing ship master a person, who guarantees safe management of the seagoing ship,
- e) ensure the seagoing ship with crewmembers which number and composition corresponds to both purpose of navigation and requirements of international conventions, and ensure that each crew member would be professionally competent and medical fit for performance of working activity on a seagoing ship (Article 41); costs associated with a medical examination of a crewmember's medical fitness shall be covered by the seagoing ship owner,
- f) equip the seagoing ship with equipment conforming to safety and health protection rules <sup>(7)</sup>, care about the seagoing ship and supply it with foodstuffs,
- g) notify without unnecessary delay the Ministry of cases of decease and serious bodily injury, which occurred either aboard a seagoing ship or in connection with seagoing ship operation,
- h) notify without unnecessary delay the Ministry of involvement of a seagoing ship in a marine casualty or incident as well as of circumstances with adverse effect upon seaworthy condition of the seagoing ship or its technical condition,
- i) notify without unnecessary delay the Ministry of ship detention and of circumstances establishing liability of the ship master or of the seagoing ship operator towards third party,
- j) prevent that the seagoing ship shall not infringe the ban of carriage of slaves, co-operate in suppressing piracy and illegal acts against maritime navigation safety,
- k) prevent the seagoing ship from illegal trading with narcotics and psychotropic substances,
- l) prevent the seagoing ship from unauthorised broadcasting from the open sea,
- m) prevent the seagoing ship from environmental pollution and, especially, observe rules concerning jettison of waste or other harmful substances into the sea,
- n) ensure that the no polluting substances have been discharged from seagoing ships into areas referred to in Article 28a paragraph 3,

- o) ensure the observance of the Ship and Port Facility Security Code,
- p) notify without unnecessary delay the Ministry of any changes of data being the subject of entry in the maritime register,
- r) co-operate with representations in countries the seagoing ship sails to,
- s) conclude liability insurance of the seagoing ship owner for damage caused by seagoing ship operation to the third parties, as well as insurance for environmental damage caused at commence of seagoing ship operation and keep this insurance during the whole period of the seagoing ship operation,
- t) keep ship documents at least for three years after the last entry; after this period the ship documents shall be handed over to the archive.

#### Article 40a

##### Liability insurance of seagoing ship owner

- (1) The owner of the seagoing ship shall prove the conclusion of an insurance contract pursuant to Article 40 letter s) through the one or more insurance certificate of seagoing ship owner liability.
- (2) The insurance certificate of the seagoing ship owner liability shall include:
  - a) the name of the seagoing ship, its IMO Number and port of registry,
  - b) the name and surname of the seagoing ship owner or the trade name and place of business or residence of the seagoing ship owner,
  - c) the type and duration of the insurance,
  - d) the trade name or the name of an insurance provider and the residence or the place of business of an insurance provider and, if applicable, the residence of his organization unit where the insurance has been established.
- (3) The amount of the insurance for each seagoing ship in case of insurance incident shall be equal to the relevant maximum amount for the limitation of liability depending on the value of monetary unit of the International Monetary Fund (SDR).
- (4) If the language used in the insurance certificate of the seagoing ship owner liability is neither English nor French nor Spanish, the text shall include a translation into one of these languages.
- (5) The provisions of paragraphs 1 to 4 shall be without prejudice to the provisions of special regulation.<sup>1bf)</sup>

## PART SEVEN

### PROFESSIONAL COMPETENCE AND MEDICAL FITNESS OF A CREWMEMBER

#### Article 41

(1) The seagoing ship master, officers and ratings are obliged to hold the valid professional competence certificate for execution of working activity corresponding to international agreements<sup>13a)</sup>. Professional competence certificate is issued for an unlimited period upon request containing the name, surname, address of a permanent stay, date and place of birth and nationality. Upon written request the personal data stated in this request may be provide to the port authorities, the seagoing ship owner, the seagoing ship operator or the person mediating employment for the crewmember.

(2) Professional competence certificate shall be issued by the Ministry to a applicant, who

- a) over age of 18 with the exception of the seagoing ship master who shall be at least 30 years old,
- b) fulfils professional qualification for the given rank,
- c) is capable in view of medical fitness,<sup>14)</sup>
- d) has successfully passed qualification and professional courses according to international conventions,
- e) has passed professional examination before commission determined by the Ministry or recognised by the Ministry

(3) Qualification assumptions for the purpose of this act are as follows

- a) education for given rank,
- b) professional experience carried out on the seagoing ship.

(4) The Ministry shall issue, to the master and officers of the seagoing ship, who shall by obliged to hold the professional competence certificate, in addition to the professional competence certificate also the confirmation of the professional competence certificate, which confirms that the candidate fulfils qualification conditions for performance of the rank according to this act and according to international conventions. The validity period of the professional competence certificate confirmation shall be for five years. After this time the validity period of the certificate confirmation shall be extended if the applicant proves that his professional competence still lasts.

(5) The crewmember according to paragraph 1 proves his professional competence before each embarkation by submission of the professional competence certificate to the owner of the seagoing ship. The master and officers of the seagoing ship simultaneously submit also confirmation of the professional competence certificate.

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<sup>13a)</sup> E.g. The International convention on training standards, certification and watchkeeping of seafarers (STWC) 1978 as amended in 1995 (Communication of the Ministry of Foreign Affairs of the Slovak Republic No 165/2001 Coll.).

<sup>14)</sup> e.g. Convention on health protection and medical treatment for mariners (No 164) (notification No 445/1991 Coll.), Act No 98/1995 Coll. on curative order as amended by later regulations.

(6) The Ministry shall recognize the professional competence certificate issued by the third state within the scope of competence and level of responsibility specified therein, through the issue of the professional competence certificate confirmation. An applicant for the professional competence certificate recognition shall have a right to submit a remedy if his/her application for recognition of professional competence certificate has been refused.

(7) The Ministry may recognize the professional competence certificate issued by the third state through the issue of the professional competence certificate confirmation, if the third state has been recognized by the European Commission. If the third state has not been recognized by the European Commission, the Ministry may submit to the European Commission the justified application for its recognition. If the Ministry considers that the third state fails to meet requirements of the international agreement<sup>13a)</sup>, it shall notify this to the European Commission without unnecessary delay and along with the reasons. The ministry shall inform, without unnecessary delay and along with the reasons, the European Commission and other Member States about its intention to withdraw the professional competence certificate confirmation issued by the third state.

(8) The Ministry shall provide, at the request of the Member State or the third state, the written information on authenticity of professional competence certificate issued by the Ministry.

(9) The Ministry shall recognise the professional competence certificate validity of the national of the Slovak Republic, acquired abroad, providing that acquisition conditions correspond to this act.

(10) The Ministry shall issue the confirmation concerning the recognition of professional competence acquired abroad to the applicant, if his professional competence is recognized by the Ministry.

(11) The Ministry may in justified cases permit exception for assignment of a crewmember by a person who does not hold the professional competence certificate corresponding with the given rank, but who is holder of lower level professional competence certificate.

(12) The Ministry permits the exception from proving the professional competence according to the seagoing ship owner's proposal, namely for given person for the period not exceeding six months; for the function of the ship master and chief engineer officer it is possible to permit exception in cases of force majeure only for the shortest inevitable time.

(13) The Ministry is authorised to permit exception for the occupy the higher rank only in case of exception from required navigation experience and providing that all other requirements are fulfilled according to this Act.

(14) Prior to passing the professional examination before the examining board appointed by the Ministry, the applicant proves his medical fitness by the medical certificate, which may be not older than three months. Proving the fitness competence shall be the condition for admission to the professional examination.

(15) The crewmember must prove his medical fitness before each embarkation by valid medical certificate.

(16) The medical certificate of the crewmember shall be issued by preventive medical care physician. If a foreign national or stateless person is concerned, his fitness competence may be acknowledged by the seagoing ship owner or by the ship master based upon valid medical

certificate issued by a physician of the foreign state concerned, the medical certificate may not be older than three month.

(17) In urgent cases the Ministry may permit a crewmember for a period not exceeding three months to work on the seagoing ship without a medical certificate until the next port of call and where a crewmember can obtain a medical certificate from a qualified medical practitioner, if the period of a medical certificate validity expired in the course of a voyage or before embarkment and with regard to the time the medical certificate has not been possible to obtain.

(18) The crewmember is obliged to pass the training on safety and health protection at work.

(19) Details on acquirement of crewmember professional competence shall be determined by the generally mandatory legal regulation issued by the Ministry.

## **PART EIGHT**

### **CREWMEMBER EMPLOYMENT RELATIONSHIP, SERVICE ON A SEAGOING SHIP AND CREWMEMBER MEDICAL CARE**

#### **Article 42**

##### **Crewmember Employment Relationship**

(1) Crewmember shall be in the employment relationship with the seagoing ship owner or the seagoing ship operator. If the crew member is in any working relation to, Articles 23, 24, 26, 31, 39 to 42, 44, 47 to 50 and 60 shall refer accordingly to the seagoing ship operator.

(2) Crewmember may perform service on a seagoing ship upon entering into the employment relationship. Employment relationship of the ship master shall arise by his appointment.

(3) If crewmember employment contract is concluded for an unlimited period, the ship owner shall conclude amendment to the employment contract for each embarkation, by which the purpose of embarkation shall be adjusted. If employment relationship is concluded for a definite period in the employment contract shall be specified the time and the place of crewmember embarkation, the name of the seagoing ship and the place where the crewmember has the right to be transported to after disembarkation at ship owner's expense (hereinafter referred to as "repatriation").

(4) Only a person over 18 of age may become a crewmember.

(5) Probation period may not be agreed in the employment contract.

(6) Part time activities shall not be agreed with a crewmember.

(7) Crewmember shall not be assigned to another service, except in cases specified in the special regulation<sup>15)</sup> as well as if the ship master has decided that safety of persons, seagoing ship or cargo are endangered.

(8) Neither the seagoing ship owner nor the crewmember may immediately terminate their employment relationship during the sea service.

(9) If employment relationship concluded for a definite period is to be terminated while the crewmember is embarked or during his repatriation, his employment relationship shall terminate

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<sup>15)</sup> Article 37 paragraph 3 of the Civil Code as amended by later regulations.

on the day of end of his repatriation, unless agreed otherwise between owner of the seagoing ship and the crewmember concerned.

(10) A crewmember may agree with the seagoing ship owner upon extension of the period of his sea service and employment relationship and upon his disembarkation for economic reasons in one of the next ports of arrival of the seagoing ship.

(11) A crewmember shall be entitled to paid annual leave. The annual leave with pay entitlement shall be calculated on the basis of a minimum of 2,5 calendar days per month of employment relationship and *pro rata* for incomplete months of the same employment relationship. The basic period of paid annual leave may not be replaced by a financial allowance in lieu, except where the employment relationship is terminated.

(12) Travel to the port of embarkation and repatriation are considered as foreign business trips.<sup>16)</sup>

(13) At start of employment relationship of a crewmember, provisions of the special regulation<sup>17)</sup> shall be reasonably applied.

#### Article 43

##### Service Aboard a Seagoing Ship

(1) Service of a crewmember aboard a seagoing ship shall be performed from the day of embarkation to the day of disembarkation, unless he is suspended from the sea service.

(2) Service aboard the seagoing ship during which the crewmember does not perform any service, except for a visit to the land, is considered, for purposes of compensation for damage, to be the activity performed in direct connection with his/her assignment.

(3) Visit to the land means the period starting from the moment of entry to the land to the moment of leaving the land. Sojourn in the land due to the assignment or visit to a medical centre shall not be considered a visit to the land.

#### Article 44

##### Working time and Rest period of crewmember

(1) The working time of a crew member shall be 40 hours weekly, unless modified otherwise by an internal regulation of the ship owner. Even in case of a modified working time the amount of the crewmember shall remain the same as in weekly 40-hour working time. Working time of crew members shall not exceed 14 hours during 24 hours and 72 hours during seven consecutive days.

(2) If it is not possible to schedule crewmember working time equally in individual weeks, the working time may be schedule in individual weeks unequally. Decision on scheduling the working time shall be taken by the ship master.

(3) Continuous duration of one shift shall not exceed 12 hours, including overtime ordered. Hours of rest between two shifts may not be shorter than eight hours. These limitations do not apply to extraordinary events, when the seagoing ship master decided that safety of persons, seagoing ship or cargo was endangered.

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<sup>16)</sup> Act No 119/1992 Coll. on travel reimbursements as amended by later regulations.

<sup>17)</sup> Article 27, Labour Code.

(4) Total hours of rest of a crewmember performing watchkeeping shall not be shorter than ten hours per 24 hours and it shall not be divided into more than two parts, one of them taking at least six hours. Total rest period of a crewmember shall not be less than 10 hours during the 24 hours and 77 hours during seven consecutive days.

(5) The ship master is authorised to order to be on call to work in case of need of urgent operation or if safety of persons, seagoing ship or cargo are endangered.

(6) Unless serious operation reasons prevent it, the ship master is obliged to enable a crewmember reasonably longer hours of work by hours of work adjustment and on request of individual crewmembers to provide them with compensatory time for overtime work and work on holidays.

(7) On a seagoing ship a plan of the work organisation of crewmembers including the watch keeping schedule must be located in a visible place, the work time and rest period of each crew member.

#### Article 45

##### Compensatory Pay

(1) In case of shipwrecking, loss of the seagoing ship, or if the ship is in fully unworthy sea shipping conditions, the crewmember employment relationship shall be terminated and the crewmember shall be entitled to

- a) compensatory pay which is equal to double average monthly earnings approved due to the premature termination of the employment relationship according to the special regulation.<sup>18)</sup>
- b) additional compensatory pay which is equal to double average monthly earnings.

#### Article 46

##### Duties of a Crewmember

(1) During sea service aboard the seagoing ship the crewmember is obliged to

- a) follow instructions of the ship master and superior crewmembers,
- b) respect and be polite to the ship master and superior crewmembers also during the time out of duty,
- c) subordinate to the special powers of the ship master in case of premature forced disembarkation,
- d) obey principles of civic coexistence in relation to other crewmembers and passengers,
- e) observe maritime habits and principles of good maritime practice,
- f) provide assistance in case of imminent danger needed to rescue people, seagoing ship or cargo, unless such action constitutes threat to his health or life,
- g) perform watchkeeping if he is professionally competent for such a service,

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<sup>18)</sup> Article 3 paragraph 1 of the Act No 195/1991 Coll. on Compensation Provided on Termination of Employment Relationship.

- h) undergo a test to detect whether he has is not or he was not under influence of alcohol, narcotics or other psychotropic substances if such a test was ordered by the ship master or by other superior crewmember, namely
    - 1. during hours of rest of a crewmember if it is necessary to find out whether he is under influence of such substances when starting the work or during on call to work,
    - 2. in case of injury of a crewmember occurred,
    - 3. in case of reasonable suspicion that a crewmember is or was on duty under influence of alcohol or other psychotropic substances or drugs,
  - i) follow the conditions of seagoing ship safety operation.
- (2) During the service on a seagoing ship, crewmember shall not hold aboard the seagoing ship any drugs or psychotropic substances, guns, ammunition or explosives or assist to other person in such activities.

#### Article 47

##### Special Power of the Seagoing Ship Master

- (1) In case of serious or repeated breach of duties or working discipline, the seagoing ship master shall be authorised to suspend a crewmember from the service on a seagoing ship.
- (2) The ship master can impose the measure given in paragraph 1 only in case the crewmember has violated discipline, have endangered safety of persons, seagoing ship or cargo. In case of suspension from service on seagoing ship and subsequent repatriation, the seagoing ship master is obliged to take into consideration the possibility of disembarkation of a crewmember with respect to transport connection from the port of disembarkation. Disembarkation shall not endanger life, health or freedom of the disembarked person. The way of disembarkation and repatriation shall be agreed in advance between the master of the ship and its owner.
- (3) If a crewmember is suspended from the service on seagoing ship, any remuneration or compensation for this period shall not belong to him. If a crewmember was suspended justifiably from the service on seagoing ship he shall be obliged to compensate the ship owner for incurred repatriation costs and the incurred costs of sending a substitute crewmember to the seagoing ship. In cases of special attention such costs may be adequate reduced by the seagoing ship owner.
- (4) Measure pursuant to paragraph 1 may be imposed within five days after the day when the ship master was notified of the breach of duties or working discipline on a part of a crewmember, however, at latest within one month after the day when such a breach of duties or working discipline occurred. The measure imposed shall be adequate to correspond to the degree of breach of duties or working discipline, to the form and extent of transgression and other circumstances of the case concerned. Use of the special regulation<sup>19)</sup> remains untouched by imposing such a measure.
- (5) Master of a seagoing ship shall enable a crewmember to whom he imposes the measure, to express his opinion of the matter. The seagoing ship master shall draw up a written document of his opinion, imposed measure and justification. He shall make a brief entry into the log book reflecting these facts. Decision of such a measure shall be drawn up by the seagoing master in writing and delivered personally to the crewmember who breached the working discipline.

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<sup>19)</sup> Article 46 paragraph 1, letter f) of the Civil Code.



(6) If a crewmember disagrees with the measure imposed he may appeal to the Ministry within 30 days after his repatriation. Appeal against the decision on imposing the measure has not a postponement effect.

(7) The Ministry shall discuss the appeal against the decision on imposing the measure within 30 days after its receiving and decision on imposing measure shall either be confirmed or recalled. If the measure of suspension from the service on a seagoing ship was recalled the period during which the crewmember was suspended from service on a seagoing ship until his eventual comeback to the seagoing ship is considered to be an obstacle to work on the part of an employer.

(8) Within the period before disembarkation of a crewmember, the seagoing ship master may recall his decision on imposing the measure. The seagoing ship master shall enter cancellation of the measure into the log book. Decision on cancellation of a special measure shall be issued by the seagoing ship master in writing and delivered personally to the crewmember whom shall the cancellation concerns.

(9) In case of serious breach of working discipline, the ship owner may impose a measure on the ship master. In case of imposing the sanction on a seagoing ship master by the Ministry pursuant to this Act, the ship owner shall not impose disciplinary measure for the same reasons.

#### Article 48

##### Repatriation of a Crewmember

(1) A crewmember shall have the right to repatriation

- a) in connection with extinction of the right of the seagoing ship to fly the state flag,
- b) in case of wrecking of the seagoing ship,
- c) in case of declared bankruptcy or permitted compensation on the ship owner,<sup>20)</sup>
- d) after expiration of agreed sea service term,
- e) after the end of employment relationship,
- f) in case of permanent or temporary loss of medical fitness for the sea service and in certificate of a physician he shall not recover before expected embarkation,
- g) if the ship owner is not able to comply with his obligation in relation to a crewmember in case of loss of the seagoing ship, its sales due to execution or in case of loss of seaworthy condition as a consequence of its serious damage,
- h) in case of suspension a crewmember from the service at sea or if a crewmember is suspicious of a criminal offence.

(2) Repatriation costs are borne by the ship owner, except for repatriation according to paragraph 1 letter h), when the costs on repatriation are borne by the crewmember concerned.

(3) For the purpose of reimbursement for travel expenses and medical care the repatriation period shall be considered the period starting from disembarkation until arrival at the destination point as given in employment contract or agreed otherwise, except for the period for which the crewmember interrupted repatriation without giving serious reasons, unless agreed otherwise with the ship owner.

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<sup>20)</sup> Act No 328/1991 Coll. on bankruptcy as amended by later regulations.

## Article 49

## Ensuring the Social Conditions of Crewmembers

- (1) Seagoing ship owner is obliged
  - a) during service on a seagoing ship to provide the crewmembers with free board and lodging, to supply them with fresh water and means of personal hygiene,
  - b) to ensure that the seagoing ship is equipped with suitable board and lodging premises, premises and equipment for storage and refrigeration of foodstuffs and preparation of meals and drinks, premises with equipment for rest and leisure activities, hygienic and sanitary installations, and as the case may be – also a separate room for patients; these premises shall be appropriately ventilated, heated, illuminated and kept clean and tidy. Sanitary installations and services provided aboard the seagoing ship shall be accessible for all crewmembers, unless reserved exclusively for passengers only,
  - c) to ensure that the seagoing ship is supplied with water and foodstuffs in quantities corresponding to the number of people aboard the seagoing ship, duration and nature of navigation,
  - d) to ensure that the number of persons sharing rooms is appropriate to the purpose of the seagoing ship and enables them to take sufficient rest,
  - e) to ensure safe custody of cash and valuables to crewmembers and passengers of the seagoing ship.
- (2) The ship master or an officer authorised by the shipmaster is obliged on regular basis to inspect the premises, equipment and the services as under paragraph 1. He shall make entry in the log book reflecting the procedure and the result of such inspections.
- (3) The owner of the seagoing ship and master of the seagoing ship are obliged to ensure postal services free of charge for crewmembers, enable them and their family members in justified reasons and for adequate fee to use means of communication, to enable the crewmembers to meet their family members in ports or a visit of their family members aboard the seagoing ship, unless prevented from doing so by serious operational reasons.

## Article 50

## Medical Care of Crewmembers

- (1) Seagoing ship owner shall
  - a) ensure compliance of the seagoing ship with internationally recognised medical and hygienic standards,
  - b) enable crewmembers to visit physician in the ports of arrival of the seagoing ship, in case of necessary medical treatment or vaccination,
  - c) ensure that the seagoing ship shall be equipped with a first aid kit, necessary medical equipment and medical manual,
  - d) ensure that each crewmember shall complete medical training courses according to international conventions,

- e) enable a crewmember in case of need to consult a doctor by means of radio or satellite, including consulting with specialists.
- (2) The medical care of crewmembers, medical equipment of the seagoing ship and the contents of the first aid kit are governed medical training courses according to international agreements.

## **PART NINE**

### **RECREATIONAL CRAFTS**

#### Article 51

##### Basic Provisions for Recreational Crafts

- (1) Recreational craft (according to section 2 (e) shall be a vessel equipped with and driven by
  - a) sails,
  - b) engine or
  - c) sails and engine simultaneously.
- (2) Recreational craft has
  - a) total length more than 2,5 m and less than 24 m,
  - b) main engine power higher than 4 kW,
  - c) basic sail's surface more than 12 m<sup>2</sup>,
  - d) number of persons on board not exceeding 12.
- (3) Recreational craft shall be marked by
  - a) name of recreational craft,
  - b) name of the port of registration residence,
  - c) registration mark.
- (4) The data pursuant to (3), (a) and (b) shall be situated at the stern part of the recreational craft; the name of recreational craft may be situated also on both sides of the craft. The registration mark of the recreational craft shall be situated on both sides of the fore of the recreational craft.

#### Article 52

##### The Register of Recreational Crafts

- (1) The Ministry maintains the register of recreational crafts in the maritime register separately from other registers according to Article 9 (3).
- (2) Details on keeping the Register of Recreational Crafts shall be determined by a generally mandatory legal regulation issued by the Ministry.

#### Article 53

##### Recreational Craft Entry in the Register of Recreational Crafts

- (1) Entry of a recreational craft in the Register of Recreational Crafts shall be done upon proposal only.

- (2) The proposal for entry into the Register of Recreational Crafts can be applied by
- a) a legal person with residence in the Slovak Republic,
  - b) a natural person over 18 years of age, who is the national of the Slovak Republic and with a permanent residence in the Slovak Republic,
  - c) a legal person registered abroad, who will prove the registration in the country of his origin;
  - d) a natural person over 18 years of age, without Slovak nationality or stateless person.
- (3) The proposal for entry of recreational craft into the Register of Recreational Crafts shall be supported by documents that prove data, which are subject of the entry following the paragraph 5.
- (4) A recreational craft shall be entered into the Register of Recreational Crafts only in case the applicant referred in paragraph 2 submits data that
- a) the recreational craft is technically capable for navigation
  - b) the recreational craft was deleted from the register of recreational crafts of other state if the recreational craft was entered therein.
- (5) The following data are entered into the Register of Recreational Crafts:
- a) serial number of entry,
  - b) date of entry of the recreational craft,
  - c) name of the recreational craft,
  - d) way of acquisition of the recreational craft,
  - e) number of classification certificate of the recreational craft,
  - f) number of protocol on technical fitness of the recreational craft,
  - g) control mark of the recreational craft,
  - h) port of registry of the recreational craft,
  - i) navigation area of the recreational craft,
  - j) year and place of construction of the recreational craft,
  - k) type and production number of the recreational craft,
  - l) number of persons allowed aboard of the recreational craft,
  - m) maximum length of the of the recreational craft,
  - n) maximum breadth of the of the recreational craft,
  - o) maximum draft of the recreational craft,
  - p) maximum height of the recreational craft,
  - r) displacement of the recreational craft,
  - s) type and production number of the main engine of the recreational craft,
  - t) main engine power of the recreational craft,
  - u) sail's surface (in case of sail boat),

- v) owner of the recreational craft; name, surname and permanent stay in the case of a natural person and name and residence in the case of a legal person,
  - x) operator of the recreational craft; name, surname and permanent stay in the case of a natural person and name and residence in the case of a legal person,
  - y) number of the international seagoing certificate of the seagoing ship, date of its issue and validity period,
  - z) recreational craft lien and liabilities on a recreational craft ensured by the right of lien.
- (6) The subject of the entry into the seagoing recreational craft register also includes data changes specified in paragraph 5. The recreational craft owner shall be obliged to notify without delay the Ministry of all data changes entered in the Maritime Register.
- (7) Precondition for entry of a recreational craft into the Register of Recreational Crafts is submission of a valid International Recreational Craft Certificate.

#### Article 54

##### Technical fitness of a the Recreational Craft and International Certificate of the Recreational Craft

- (1) The Ministry according to Article 4 paragraph 1 letter b) authorises recognized classification society or other legal person for approving technical fitness of the recreational craft.
- (2) Technical fitness and equipment of the recreational craft are approved by the Protocol of the Technical fitness issued by authorised recognized classification society or other legal person authorised be the Ministry.
- (3) The Ministry shall issue the International Recreational Craft Certificate based on the Protocol of Technical fitness of the Recreational Craft and documents proving data required for entry into the recreational craft register" according to Article 53 paragraph 5 and conformity statement<sup>20a)</sup>. The period of validity of the International Recreational Craft Certificate is maximum five years.

#### Article 55

##### Registration Certificate

- (1) If the recreational craft and his owner fulfil conditions given in Articles 52 to 54 the Ministry shall perform enter into the Register of Recreational Crafts and shall issue the Registration Certificate to it. The Registration Certificate is valid for five years if it is not cancelled for reasons of loss of the recreational craft, change of its technical fitness, its reconstruction or modification in such a way that it is not corresponding with original conditions of entry into the Register of Recreational Crafts.

#### Article 56

##### Professional Competence for Steering of a Recreational Craft

- (1) Recreational craft can be only steered by a person who is the holder of the certificate of professional competence of the recreational craft skipper for the specified area of navigation. The

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<sup>20a)</sup> Act No 264/1999 Coll., on technical requirements for products and conformity assessment and on amendment of some acts as amended by later regulations.

Professional Competence Certificate of the recreational craft skipper shall be issued upon the request containing the name, surname, permanent stay address, date and place of birth, nationality and number of identity card or a similar document. Personal data stated in the request may be supplied to the port authorities upon the written request.

(2) Certificate of professional competence of the recreational craft skipper is issued by the Ministry to the candidate who

- a) is 18 years of age at least,
- b) fulfils professional navigation experience for the given area of navigation,
- c) meets the requirements for medical fitness,
- d) has passed theoretical and practical examination of professional competence for given area before the commission assigned by the Ministry or approved by the Ministry,
- e) is the holder of the radio operator certificate for the given area of navigation.

(3) The certificate of professional competence is valid for an unlimited period.

(4) Except of the recreational craft skipper, the crew of the recreational craft and other persons can be aboard the recreational craft; a crewmember may be a person aged 15 and over, has fitness competence and is capable to help steering of the recreational craft according to the instructions of the master.

(5) Other person means a person who is neither the master nor the crewmember of the recreational craft.

(6) During the voyage all persons aboard the recreational craft are entered into the ship's log book.

(7) All persons aboard the recreational craft are obliged to follow the orders of the recreational craft skipper.

(8) Details on technical fitness of the recreational craft and professional competence of the recreational craft skipper shall be determined by the generally mandatory legal regulation issued by the Ministry.

## Article 57

### Basic Obligations of a Recreational Craft Skipper

(1) Recreational Craft Skipper is especially obliged to

- a) steer the recreational craft and provide safe navigation of the recreational craft in accordance with international conventions, customs generally accepted and respected in sea navigation and legislation of the coastal state,
- b) secure safety of persons aboard the recreational craft and perform all measures necessary for prevention of damages endangering the recreational craft or persons aboard,
- c) render help to a person in emergency if he can do it without endangering seriously either himself, persons aboard the recreational craft, or the recreational craft,
- d) prevent environmental pollution from a recreational craft,

- e) in case of a marine casualty or incident proceed accordingly pursuant to Article 29 (2) and (3).
- (2) Provisions of Article 24 (a) to (z) are reasonably related to the Recreational Craft Skipper.

#### Article 58

##### Papers and other Documents of a Recreational Craft

- (1) The following documents shall be deposited on a recreational craft
  - a) registration certificate,
  - b) international certificate for seagoing navigation,
  - c) log book if the construction of the recreational craft allows its safe deposition.
- (2) Details on keeping papers and other documents of the recreational craft according to paragraph 1 shall be stipulated by a generally mandatory legal regulation issued by the Ministry.

#### Article 59

##### Insurance

The owner of a recreational craft is obliged, for the period of operation of the recreational craft, to effect a liability insurance policy for damage caused by the operation of the recreational craft. If the owner has not effected such a policy the Ministry shall be entitled to withdraw the international certificate for seagoing navigation to the recreational craft and its re-issue may be conditioned by additionally effecting the liability insurance policy for damage caused by operation of the recreational craft.

### **PART TEN**

#### **FINES**

#### Article 60

- (1) The Ministry may impose a fine up to 166 000 EUR on a legal or natural person if he
  - a) performs seagoing navigation flying the state flag without the registration certificate or interim registration certificate,
  - b) fails to maintain the sea ship in a seaworthiness condition,
  - c) fails to meet the obligations to establish and use the monitoring and information system for maritime navigation pursuant to special regulations,
  - d) fails to ensure that no polluting substances have been discharged from seagoing ships into areas referred to in Article 28a paragraph 3.
- (2) The Ministry may impose a fine up to 16 600 EUR on the owner of a seagoing ship if he
  - a) has failed to hold required ship's papers, log-books and other ship's documents on board of the seagoing ship during navigation according to Article 20,
  - b) has failed to ensure regular inspections of the seagoing ship according to international conventions,
  - c) has failed to report the Ministry immediately on a case of death and serious bodily injury that occurred on board of the seagoing ship or in connection with its operation,

- d) has failed to report the Ministry immediately on events affecting the seaworthiness of the seagoing ship,
  - e) has failed to meet the obligations in the framework of mandatory surveys of seagoing ferry ships and seagoing passenger ships laid down by the special regulation,<sup>20b)</sup>
  - f) has failed to ensure that no polluting substances have been discharged from seagoing ships into areas referred to in Article 28a paragraph 3,
  - g) fails to fulfil obligations resulting from the Ship and Port Facility Security Code.
- (3) The Ministry may impose a fine up to 6 650 EUR on the owner of a seagoing ship if he
- a) has failed to ensure proper marking of the seagoing ship,
  - b) has failed to ensure proper manning of a seagoing ship,
  - c) has failed to ensure performing the sea service by persons professionally competent with medical fitness according to Article 41,
  - d) has failed to inform the Ministry about changes concerning the entry of the seagoing ship in the maritime register of ships according to Article 12,
  - e) has failed to effect liability policy neither for damage caused by operation of the seagoing ship nor for damage to the environment at the commence of operation of the seagoing ship and failed to keep this insurance during the whole period of operation according to Article 40 letter s) and Article 40a.
- (4) The Ministry may impose a fine up to 6 650 EUR on a master of a seagoing ship if he
- a) has interfered seaworthiness of the seagoing ship by his behaviour,
  - b) has failed to ensure that all equipment corresponds to rules on safety and health protection at work,
  - c) has failed to ensure proper care for the entrusted cargo,
  - d) has failed hold on board the seagoing ship documents, log books and other papers required to be carried on according to Article 20,
  - e) did not ensure that the person carrying out the service had corresponding qualification,
  - f) tolerated that the watchkeeping person was under influence of alcohol, psychotronic or narcotic substances,
  - g) has failed to ensure that no polluting substances have been discharged from seagoing ships into areas referred to in Article 28a paragraph 3,
  - h) fails to fulfil obligations resulting from the Ship and Port Facility Security Code,
  - i) has caused maritime environmental pollution,
  - j) has failed to meet the obligations relating to the unloading of ship-generated waste and cargo residues from seagoing ship and the obligations relating to the safe loading and unloading of the seagoing ship laid down by special regulations.<sup>20c)</sup>

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<sup>20b)</sup> Regulation of the Slovak Republic Government No 581/2006 Coll. on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.



(5) The Ministry may impose a fine up to 1 660 EUR on the owner of the recreational craft in case he

- a) has failed to carry documents on board the recreational craft during navigation according to Article 58 (1) (a) and (b),
- b) has failed to ensure the recreational craft to be steered by a natural person professionally competent according to Article 56 (1),
- c) did not notify the Ministry all changes of data in the Maritime Register,
- d) has caused maritime environmental pollution.

(6) The fine may be imposed within one year after the day of discovery of the infringement of duties, however, within 3 years after infringement of duties at the latest. Seriousness and period of duration of illegal conduct and extent of its consequences are considered in setting the amount of fine.

(7) Fine imposed pursuant to this Act is the state budgeted revenue.

(8) Imposing the fine does not influence liability for damage compensation.

## **PART ELEVEN**

### **COMMON, PROVISIONAL AND FINAL PROVISIONS**

#### **Article 61**

##### **Reference to Trade Rules**

General trade rule<sup>21)</sup> is applied to maritime navigation trading.

#### **Article 62**

##### **Reference to the Labour Code**

If this Act does not stipulate otherwise, the employment relationship is governed by the Labour Code. Foreign national's relationships are governed by provisions of their contract of employment.

#### **Article 63**

##### **Reference to administrative procedure**

If this act does not stipulate otherwise, general provisions on administrative proceedings shall apply to proceedings under this act.<sup>22)</sup>

#### **Article 64**

##### **Court Jurisdiction**

For legal proceedings which arise from application of this Act, the regional Court in Bratislava is competent, unless the parties agreed otherwise.

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<sup>20c)</sup> Regulation of the Slovak Republic Government No 579/2006 Coll. establishing the conditions for the safe loading and unloading of bulk carrier.

Regulation of the Slovak Republic Government No 66/2007 Coll. on port reception facilities for ship-generated waste and cargo residues.

<sup>21)</sup> Commercial Code as amended by later regulations.

<sup>22)</sup> Act No 71/1967 Coll. on administrative proceeding (Administrative order).

## Article 65

## Validity of Ship Papers, Documents and Certificates of Professional Competence

Ship papers, documents and certificates of professional competence, issued by the Ministry according to the regulations valid before this Act enter into effect, remain in force until 31 January 2002. Certificates of professional competence of the recreational craft skippers and international certificate of the recreational craft issued according to regulations valid before this Act came into effect remain in force until 31 January 2002.

## Article 66

## Repealing Provisions

The following are repealed:

1. Act No. 61/1952 Coll., on sea shipping as amended by Act No.42/1980, Coll.
2. Regulation of the Minister of Transport No. 75/1953 Coll., implementing some provisions of the Act on sea shipping,
3. Regulation of the Minister of Transport No. 39/1955 Coll., on limitation of liability of the seagoing ship operator,
4. Decree of the Ministry of Transport No. 160/1956 OJ on conditions of cargo transportation on sea,
5. Decree of the Ministry of Transport No. 65/1967 Coll. on seafarer and sailor books,
6. Decree of the Ministry of Transport No. 89/1985 Coll. on regulation of some rights and duties resulting from labour relations of crewmembers on Czechoslovak seagoing ships,
7. Order of the Federal Ministry of Transport No. 7210/75-25 on alarm activity on Czechoslovak seagoing ships (registered in part 11/1975 Coll.),
8. Rule of the Federal Ministry of Transport No. 22 690/1983-025 on the provision of recreational crafts sailing in the regime of international navigation with ship's documents (registered in part 20/1984 Coll.),
9. Order of the Federal Ministry of Transport No. 18 381/1990-040 on professional competence and authorisation to perform functions of crew members on Czechoslovak seagoing ships (registered in part 52/1990 Coll.),
10. Order of the Federal Ministry of Transport and Communications No. 19 404/1988-0320 on sea pay of crewmembers of Czechoslovak seagoing ships (registered in part 14/1989 Coll.),
11. Order of the Federal Ministry of Transport No. 18 850/1990-0320 amending the decree on sea pay of crewmembers of Czechoslovak seagoing ships (registered in part 90/1990 Coll.),
12. Order of the Federal Ministry of Transport No. 17 384/1989-050 on Load Line Mark on Czechoslovak seagoing ships (registered in part 54/1990 Coll.).

## Article 67

## Enter into force

This Act shall enter into force on 1 January 2001.

Act No 581/2003 Coll. entered into force on 1 February 2004, except for Article 4 paragraph 1

letters d) and (e), which enter into force from the date when the Treaty of Accession of the Slovak Republic to the European Union enters into force.

Act No 581/2003 Coll. entered into force on 1 February 2004.

Act No 97/2007 Coll. entered into force on 1 April 2007.

Act No 395/2008 Coll. entered into force on 1 November 2008.

Act No 278/2009 Coll. entered into force on 1 August 2009.

Act No 440/2010 Coll. entered into force on 1 December 2010.

**Rudolf Schuster** s.m.

**Jozef Migaš** s. m.

**Mikuláš Dzurinda** s. m.

**Annex  
to the Act No 435/2000 Coll.**

**LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN UNION**

1. Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast text) (OJ EU L 131, 28. 5. 2009).
2. Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast text) (OJ EU L 131, 28. 5. 2009).
3. Council Directive 96/98/EC of 20 December 1996 on marine equipment (Special edition OJ EU, Chapter. 7/Vol. 3; OJ EC L 46, 17. 2. 1997) as amended by the Commission Directive 98/85/EC of 11 November 1998 (Special edition OJ EU, Chapter. 7/Vol. 4; OJ EC L 315, 25. 11. 1998), the Commission Directive 2001/53/EC of 10 July 2001 (OJ EC L 204, 28. 7. 2001), the Commission Directive 2002/75/EC of 2 September 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 254, 23. 9. 2002) and the Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 324, 29. 11. 2002).
4. Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services (Special edition OJ EU, Chapter. 7/Vol. 4; OJ EC L 138, 1. 6. 1999) as amended by the Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 324, 29. 11. 2002).
5. Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (Special edition OJ EU, Chapter. 5/Vol. 3; OJ EC L 167, 2. 7. 1999).
6. Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (Special edition OJ EU, Chapter. 7/Vol. 5; OJ EC L 332, 28. 12. 2000) as amended by the Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 324, 29. 11. 2002).
7. Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers (Special edition OJ EU, Chapter. 5/Vol. 4; OJ EC L 136, 18. 5. 2001) as amended by the Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 324, 29. 11. 2002), the Directive 2003/103/EC of the European Parliament and of the Council of 17 November 2003 (Special edition OJ EU, Chapter. 5/Vol. 4; Ú. v. EÚ L 326, 13. 12. 2003), the Commission Directive 2005/23/EC of 8 March 2005 (Ú. v. EÚ L 62, 9. 3. 2005) and the Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 (Ú. v. EÚ L 255, 30. 9. 2005).
8. Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Special edition OJ EU, Chapter. 7/Vol. 6; OJ EC L 13, 16. 1. 2002) as amended by

the Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ EU, Chapter. 7/Vol. 7; OJ EC L 324, 29. 11. 2002).

9. Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ EU L 255, 30. 9. 2005).

10 Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties including criminal penalties for pollution offence (OJ EU L 255, 30. 9. 2005) as amended by the Corrigenda (OJ EÚ L 33, 4. 2. 2006 and EÚ L 105, 13. 4. 2006) and Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 (OJ EU L 280, 27. 10. 2009).

11. Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ EU L 124, 20. 5. 2009).

12. Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (OJ EÚ L 131, 28. 5. 2009).

13. Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ EU L 131, 28. 5. 2009).

14. Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims (OJ EU L 131, 28. 5. 2009).

15. Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ EU L 131, 28. 5. 2009).