

438

D E C R E E

of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic

of 24 October 2008

establishing the rules of discharging of polluting substances from ships to sea

The Ministry of Transport, Posts and Telecommunications of the Slovak Republic (hereinafter referred to as “the Ministry”) pursuant Article 28a paragraph 7 of the Act No 435/2000 Coll. on sea navigation, as amended by the Act No 395/2008 Coll., has established as follows:

Article 1

For the purpose of this Decree:

- a) „oil“ shall mean oil substances including crude oil, fuel oil, sludge, oil refuse and refined products other than petrochemicals which are subject to the provisions of the international agreement;¹⁾
- b) „oily mixture“ shall mean a mixture with any oil content;
- c) „special areas“ shall mean the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the ‘Gulfs area’, the Gulf of Aden area, the Antarctic area and the North-West European waters.

Article 2

(1) Any discharge into the sea of oil or oily mixture shall be prohibited except when all the following conditions are satisfied:

- a) for an oil tanker, except as provided for in letter b) of this paragraph:
 - 1. the tanker is not within a special area,
 - 2. the tanker is more than 50 nautical miles from the nearest land,
 - 3. the tanker is proceeding en route,
 - 4. the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile,
 - 5. the total quantity of oil discharged into the sea does not exceed:
 - a) for existing tankers 1/15000 of the total quantity of the particular cargo of which the residue formed a part, and
 - b) for new tankers 1/30000 of the total quantity of the particular cargo of which the residue formed a part,
 - 6. the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by the international agreement,²⁾

¹⁾ 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 Z. z.).

²⁾ Regulation 15 of the 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 Z. z.).

b) from a seagoing ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue, if:

1. the seagoing ship is not within a special area,
2. the seagoing ship is proceeding en route,
3. the oil content of the effluent without dilution does not exceed 15 parts per million,
4. the seagoing ship has in operation the monitoring, control and filtering equipment as required by the international agreement.³⁾

(2) In the case of a seagoing ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, it has to be equipped with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea in accordance with paragraph 1 letter b).

(3) The provisions of paragraph 1 shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which:

- a) without dilution have an oil content not exceeding 15 parts per million,
- b) do not originate from cargo pump-room bilges,
- c) are not mixed with oil cargo residues.

(4) No discharge into the sea shall contain substances in quantities or concentrations which are hazardous to the marine environment or other substances introduced for the purpose of circumventing the conditions of discharge specified in paragraphs 1 to 3.

(5) The oil residues which cannot be discharged into the sea in compliance with paragraphs 1 to 3 shall be retained on board or discharged to reception facilities.

Article 3

(1) In the special areas the following shall not be discharged:

- a) oil or oily mixtures from an oil tanker and a seagoing ship of 400 tons gross tonnage and above other than an oil tanker,
- b) oil or oily mixtures from a seagoing ship of less than 400 tons gross tonnage other than an oil tanker except for the case when oil content in an undiluted effluent does not exceed 15 parts per million.

(2) The provisions of paragraph 1 shall not apply to the discharge of clean or segregated ballast.

(3) The provisions of paragraph 1 letter a) shall not apply to the discharge of processed bilge water from machinery spaces, provided that the following requirements are satisfied:

- a) the bilge water does not originate from cargo pump-room bilges,
- b) the bilge water is not mixed with oil cargo residues,
- c) the seagoing ship is proceeding en route,
- d) the oil content of the effluent without dilution does not exceed 15 parts per million,

³⁾ Regulation 16 of the 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 Z. z.).

- e) the seagoing ship has in operation oil filtering equipment complying with the international agreement,⁴⁾
- f) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.

(4) No discharge into the sea shall contain substances in quantities or concentrations which are hazardous to the marine environment or other substances introduced for the purpose of circumventing the conditions of discharge specified in paragraphs 1 to 3.

(5) The oil residues which cannot be discharged into the sea in compliance with paragraphs 1 to 3 shall be retained on board or discharged to reception facilities.

(6) The paragraphs 1 to 5 shall not apply to the seagoing ship on a voyage only part of which is in a special area; outside the special area the seagoing ship shall be subject to the provisions of Article 2.

Article 4

Noxious liquid substances shall be divided into categories in accordance with the international agreement.⁵⁾

Article 5

The regulation of the international agreement⁶⁾ shall apply to the discharge of noxious liquid substances.

Article 6

Article Regulations 2 and 3 shall not apply to the discharge into the sea of oil and oily mixtures and Article 5 shall not apply to the discharge of noxious liquid substances or mixtures containing such substances if such discharge:

- a) shall be necessary for the purpose of securing the safety of a ship or saving life at sea,
- b) resulting from damage to a seagoing ship or its equipment:
 - 1. provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge,
 - 2. except if the seagoing ship owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result, or
- c) shall be approved by the recognized classification company authorised by the Ministry, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution; any such discharge shall be subject to the approval of any competent authority of the State in whose jurisdiction it is contemplated the discharge will occur.

⁴⁾ Regulation 16 paragraph 5 of the 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 Z. z.).

⁵⁾ Regulation 3 of the 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 Z. z.).

⁶⁾ Regulation 5 of the 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 Z. z.).

Article 7

The legal Acts of the European Communities and the European Union listed in Annex are transposed by this Decree.

Article 8

This Decree shall enter into force on the 15 November 2008.

Lubomír Vážný s. m.

Annex
to the Decree No 438/2008 Coll

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

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 for infringements (OJ EU L 255, 30. 9. 2005).