

579

REGULATION OF THE GOVERNMENT**of the Slovak Republic**

of 11 October 2006,

establishing conditions for the safe loading and unloading of seagoing bulk carrier

The Government of the Slovak Republic in accordance with Article 2 paragraph 1 letter j) of the Act No 19/2002 Coll. establishing the conditions for the issue of approximation regulations of the Government of the Slovak Republic, as amended by later regulations, shall enact:

Article 1

(1) This Government regulation establishes suitability requirements for seagoing ships and cooperation procedures of seagoing bulk carriers and terminals in loading and unloading of a seagoing ship, aimed at increasing of their safety during handling with the bulk cargo in terminals of the coastal Member States of the European Union (hereinafter referred to as „the coastal Member State“), for the purpose of their loading or unloading of the dry bulk cargo, and at reducing the risk of over-stressing and damaging the ship's structure during loading and unloading operations.

(2) This Government regulation shall apply to the seagoing ships flying the flag of the Slovak Republic and calling at a terminal for the loading or unloading of dry bulk cargoes.

Article 2

For the purpose of this Government regulation:

- a) seagoing ship shall mean seagoing bulk carrier as defined in the international agreement¹⁾, namely:
1. a seagoing ship with single deck, top-side tanks and hopperside tanks in cargo spaces and intended primarily to carry dry cargo in bulk,
 2. a seagoing single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo hold and intended for the carriage of ore cargoes in the centre holds only, or
 3. a combination seagoing ship as defined in the international agreement,²⁾
- b) dry cargo in bulk shall mean solid bulk cargo as defined in the international agreement³⁾ excluding grain,⁴⁾
- c) terminal shall mean any fixed, floating or mobile facility used for the loading and unloading of dry cargo in bulk into or from seagoing ships,

¹⁾ Chapter IX Regulation 1.6 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations (Communication No 165/2001 Coll.).

²⁾ Chapter II-2 Regulation 3.27 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

³⁾ Chapter XII Regulation 1.4 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁴⁾ Chapter VI Regulation 8.2 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

- d) terminal operator shall mean the owner of a terminal, or any person to whom the owner has transferred the responsibility for loading or unloading operations conducted at the terminal for a particular seagoing ship,
- e) terminal representative shall mean a person appointed by the terminal operator, who has the responsibility for the preparation, the conduct and the completion of loading and unloading operations conducted in the terminal for a particular seagoing ship,
- f) seagoing ship's master shall mean the person who has command over a seagoing ship or an officer designated by the seagoing ship's master for the loading or unloading operations,
- g) cargo information shall mean the information required by international agreement⁵⁾,
- h) loading or unloading plan shall mean a plan pursuant to international agreement⁶⁾ as contained in Appendix 2 of the Code of Practice for the Safe Loading and Unloading of Bulk Carriers, approved by the Resolution of the International Maritime Organisation A.862(20) (hereinafter referred to as „the Code“),
- i) ship/shore safety checklist shall mean the checklist as referred to in section 4 of the Code and having the format as contained in Appendix 3 of the Code,
- j) dry bulk cargo density declaration shall mean the information on the density of the dry bulk cargo as defined in the international agreement.⁷⁾

Article 3

(1) A seagoing ship's master shall ensure the safe loading and unloading of the seagoing ship and, well in advance of the seagoing ship's estimated time of arrival at the port, provide the terminal with the information set out in Annex No 1.

(2) Before any dry bulk cargo is loaded, a seagoing ship's master shall ensure that he has received the cargo information required by international agreement⁸⁾ and, where required, a dry bulk cargo density declaration; this information shall be contained in a cargo declaration forms set out in Appendix 5 of the Code.

(3) Prior to the start of and during loading or unloading, a seagoing ship's master shall ensure the activities specified in Annex No 2.

(4) Before solid bulk cargoes are loaded or unloaded, a seagoing ship's master shall agree with the terminal representative on the loading or unloading plan (hereinafter referred to as „the plan“) in accordance with international agreement⁹⁾. The plan shall be prepared in the form laid down in Appendix 2 of the Code, it shall contain the seagoing ship's number assigned by the International Maritime Organisation, and the seagoing ship's master and the terminal representative shall confirm their agreement to the plan by signing it.

(5) Any change to the plan, which according to either party may affect the safety of the seagoing ship or crew, shall be prepared, accepted and agreed by both parties namely the seagoing ship's master and the terminal representative.

⁵⁾ Chapter VI Regulation 2 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁶⁾ Chapter VI Regulation 7.3 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁷⁾ Chapter XII of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁸⁾ Chapter VI Regulation 2.2 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁹⁾ Chapter VI Regulation 7.3 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

(6) The plan and any changes shall be kept in the seagoing ship and the terminal for a period of six months after its approval and signing or revision carried out by the seagoing ship's master and the terminal representative, for the purpose of any necessary verification by the competent authorities of the coastal Member State.

(7) The seagoing ship's master and the terminal representative shall prepare and sign jointly the seagoing ship/shore safety checklist in accordance with the Appendix 4 of the Code.

(8) An effective communication on loading and unloading shall be ensured between the seagoing ship and the terminal. The loading or unloading suspension shall be agreed between the seagoing ship's master and the terminal representative.

(9) The seagoing ship's master or the terminal representative shall conduct the loading or unloading operations in accordance with the plan.

(10) On completion of the loading or unloading, the seagoing ship's master and the terminal representative shall agree in writing that the loading or unloading has been done in accordance with the plan, including any changes. In the case of unloading, such agreement shall include a record that the cargo holds have been emptied and cleaned to the seagoing ship master's requirements and shall record any damage suffered by the ship and any repairs carried out.

Article 4

(1) The seagoing ship's master shall ensure the repair of a seagoing ship if he has been informed by the terminal representative on the damage to the seagoing ship's structure or equipment occurs during loading or unloading.

(2) If the damage could impair the structural capability or watertight integrity of the hull, or the seagoing ship's essential engineering systems, the Ministry of Transport, Posts and Telecommunications or the recognised organisation and the port State control authority shall be informed by the terminal representative and/or the seagoing ship's master. The decision as to whether immediate repair is necessary or whether it can be deferred shall be taken by the port State control authority, due account being taken of the opinion of the Ministry of Transport, Posts and Telecommunications or the recognised organisation and of the opinion of the seagoing ship's master. Where immediate seagoing ship's repair is considered necessary, it shall be carried out to the satisfaction of the seagoing ship's master and the competent authority of the coastal Member State before the seagoing ship leaves the port.

Article 5

Legal Act of the European Communities listed in Annex No 3 is transposed by this Government regulation.

Article 6

This Government regulation shall enter into force on 1 November 2006.

Robert Fico s. m.

**Annex No 1
to the Government regulation No 579/2006 Coll.**

INFORMATION TO BE PROVIDED BY THE MASTER TO THE TERMINAL

1. The seagoing ship's estimated time of arrival to the port has to be reported as early as possible. This information shall be updated as appropriate.
2. The initial report of estimated time of arrival shall include:
 - a) seagoing ship's name, call sign, seagoing ship's number assigned by the International Maritime Organisation, flag state, port of registry,
 - b) loading and unloading plan, quantity of cargo, stowage by hatches, loading or unloading order and the quantity to be loaded or unloaded in each stage of the discharge,
 - c) arrival and proposed departure draughts,
 - d) time required for ballasting or de-ballasting,
 - e) seagoing ship's length overall and maximum width (beam), length of the cargo area from the forward coaming of the forward-most hatch to the after coaming of the aft-most hatch into which cargo is to be loaded or from which cargo is to be unloaded,
 - f) distance from the waterline to the first hatch to be loaded or unloaded and the distance from the ship's side to the hatch opening,
 - g) location of the ship's accommodation ladder,
 - h) air draught,
 - i) details and capacities of ship's cargo-handling gear, if any,
 - j) number and type of mooring lines,
 - k) specific requests, such as for trimming or continuous measurement of the water content of the cargo,
 - l) details of any necessary repairs which may delay berthing, the commencement of loading or unloading, or may delay the ship sailing on completion of loading or unloading,
 - m) any other information related to the seagoing ship requested by the terminal.

**Annex No 2
to the Government regulation No 579/2006 Coll.**

DUTIES OF THE MASTER PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS

Prior to and during loading or unloading operations the master shall ensure that:

1. the loading or unloading of cargo and the discharge or intake of ballast tanks is under the control of the ship's officer in charge,
2. the disposition of cargo and ballast water is monitored during loading or unloading process to ensure that the ship's structure is not overstressed,
3. the seagoing ship shall be kept upright or, if a list is required for operational reasons, it shall be kept as small as possible,
4. the seagoing ship remains securely moored, taking due account of local weather conditions and forecasts,
5. sufficient officers and other crewmembers are retained on board to attend to the adjustment of the mooring lines or for any normal or emergency situation, having regard to the need of the crew to have sufficient rest periods to avoid fatigue,
6. the terminal representative is made aware of the cargo trimming requirements, which shall be in accordance with the procedures of the Code,
7. the terminal representative is made aware of the requirements for harmonisation between de-ballasting or ballasting and cargo loading or unloading rates and of any deviation from the ballasting or de-ballasting or plan or any other matter which may affect cargo loading or unloading,
8. the ballast is discharged at rates which conform to the agreed loading plan and does not result in flooding of the quay or of adjacent seagoing ship; if it is not practical for the seagoing ship to completely discharge its ballast water prior to the loading process, he agrees with the terminal representative on the times at which loading may need to be suspended and the duration of such suspensions,
9. there is agreement with the terminal representative as to the actions to be taken in the event of rain, or other change in the weather, when the nature of the cargo would pose a hazard in the event of such a change,
10. no hot work is carried out on board or in the vicinity of the seagoing ship while the ship is alongside the berth, except with the permission of the terminal representative and in accordance with any requirements of the competent authority of the coastal Member State,
11. a close supervision of the seagoing ship's loading or unloading and during final stages of the loading or unloading,
12. the terminal representative is informed immediately if the loading or unloading process has caused damage, has created a hazardous situation, or is likely to do so,
13. the terminal representative is advised when final trimming of the ship has to commence in order to allow for the conveyor system to run-off,

14. the unloading from the left and right sides of the same holds shall be balanced to avoid twisting the ship's structure,
15. when ballasting one or more holds areas, account is taken of the possibility of the discharge of flammable vapours from the holds and precautions are taken before any hot work is permitted adjacent to or above these holds.

**Annex No 3
to the Government regulation No 579/2006 Coll.**

LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES

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, 7/Vol. 6.) as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (Special edition OJ, 7/Vol. 7.).