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

of 11 October 2006,

on specific stability requirements for ro-ro passenger ships

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 the specific stability requirements for ro-ro passenger ships which will ensure the higher safety of this type of ship and provide a high level of safety for the passengers and the crew in case of collision damage.

(2) This Government regulation shall apply to the ro-ro passenger ships flying the flag of the Slovak Republic and operating to or from a port of a Member State (hereinafter referred to as „the Member State“), on a regular service, when engaged on international voyages.

Article 2

For the purpose of this Government regulation:

- a) ro-ro passenger ship shall mean a ship intended for a carriage of more than 12 passengers, having cargo spaces or special category spaces, as defined in international agreement,¹⁾
- b) new ship shall mean a ro-ro ship the keel of which is laid or which is at a similar stage of construction on or after 30 September 2004; a similar stage of construction shall mean the stage at which construction identifiable with a specific ship begins and assembly of that ship has commenced comprising at least 50 tonnes or 1 % of the estimated mass of structural material, whichever is less,
- c) an existing ship shall mean a ship which is not a new ship,
- d) a passenger shall mean every person other than the master, officer corps, assistants and crewmembers or other persons employed or engaged in any capacity on board a ro-ro ship on the business of that ship and other than a child under one year of age,
- e) regular service shall mean a series of ro-ro passenger ship crossings serving traffic between the same two or more ports, which is operated either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series,
- f) host State shall mean a Member State to or from whose ports a ro-ro passenger ship is engaged on a regular service,
- g) international voyage shall mean a sea voyage from a port of a Member State to a port outside that Member State, or vice versa,
- h) significant wave height (h_s) is the average height of the highest third of wave heights observed over a given period,

¹⁾ Chapter II-2 Regulation 3 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations (Communication No 165/2001 Coll.).

- i) residual freeboard (f_r) is the minimum distance between the damaged ro-ro passenger ship's deck and the final waterline at the location of the damage, without taking into account the additional effect of the sea water accumulated on the damaged deck.

Article 3

The significant wave heights shall be used for determining the height of water on the motor vehicle deck in accordance with the specific stability requirements for ro-ro passenger ships contained in Annex I except for the points 1.2, 1.3, 1.3.4 to 1.6 of the Directive 2003/25/EC of the European parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships, as amended by the Commission Directive 2005/12/EC of 18 February 2005 (hereinafter referred to as „the Directive“). The figures of significant wave heights shall be those which are not exceeded by a probability of more than 10 % on a yearly basis.

Article 4

(1) The sea areas and the applicable values of the significant wave height in these areas shall be defined by agreement between the Member States or between the Member States and third countries at both ends of the route. Where the ro-ro passenger ship's route crosses more than one sea area, the ro-ro passenger ship shall satisfy the specific stability requirements for the ro-ro passenger ship for the highest value of significant wave height specified for these areas.

(2) The list of the sea areas shall be published in a public database available in the internet site of the competent authority of the host State.

Article 5

(1) Ro-ro passenger ships shall comply with the specific stability requirements for the ro-ro passenger ships as set out in Article 3; this shall be without prejudice to the provisions of the international agreement²⁾ relating to watertight subdivision and stability in damaged condition.

(2) For ro-ro passenger ships operating exclusively in sea areas where the significant wave height is equal to or lower than 1,5 metres, the requirements of the Article 3 shall be considered equivalent to the specific stability requirements set out in the international agreement.³⁾

(3) In applying the specific stability requirements for the ro-ro passenger ships pursuant to Article 3, the procedure set out in Annex II shall apply, except for the Part I points 1, 1.4 and 1.5 and Part II point 6 of the Directive, in so far this is practicable and compatible with the design of the ro-ro ship in question; ro-ro passenger ships constructed on or after 28 April 1990 shall satisfy the requirements for the residual freeboard in accordance with the international agreement.³⁾

Article 6

New ro-ro passenger ships shall comply with the specific stability requirements the ro-ro passenger ships as set out in Article 3.

²⁾ Chapter II-1, Part B, Regulation 8 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

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

Article 7

(1) New and existing ro-ro passenger ships flying the flag of the Slovak Republic shall carry a certificate confirming compliance with the specific stability requirements for ro-ro passenger ships (hereinafter referred to as „the certificate“) pursuant to Articles 3 and 5. The certificate shall be issued by a Ministry of Transport, Posts and Telecommunications of the Slovak Republic (hereinafter referred to as „the Ministry“) and may constitute a part of other relevant certificates in which the significant wave height, up to which the ro-ro passenger ship can satisfy the specific stability requirements for ro-ro passenger ships, will be indicated.

(2) The certificate shall remain valid as long as the ro-ro passenger ship operates in an area with the same or a lower value of significant wave height.

(3) Host State shall accept certificates issued by a Ministry in accordance with this Government regulation.

(4) When a high-efficiency drainage system is installed on the ro-ro passenger ship, the Ministry may allow a reduction in the height of the water surface. For ro-ro passenger ships in geographically defined restricted areas of operation, the Ministry may reduce the height of the water surface prescribed in accordance with point 1.1 of the Annex I to Directive by substituting such height of the water surface pursuant to points 1.3.1 to 1.3.3 of the Annex to Directive, provided that the restricted area is represented by the significant wave height which is not exceeded with a probability of more than 10 % and the area of operation and, if applicable, the part of the year, for which a certain value of the significant wave height has been established, are entered in the certificate.

(5) Specific stability requirements for ro-ro passenger ships pursuant to point 1.1 or points 1.3.1. to 1.3.3 of the Annex I to Directive shall not be required, if the Ministry shall accept result of the model tests carried out for a ro-ro passenger ship in accordance with the model test method established in Appendix of the Annex I to Directive, except for the points 6.1 and 6.2, justifying that the ro-ro passenger ship will not capsize with the assumed extent of damage as provided in the international agreement⁴⁾ in the worst location being considered under paragraph 1.1 of the Annex I to Directive, in an irregular seaway and the acceptance of the results of the model test as an equivalence to compliance with point 1.1 or points 1.3.1 to 1.3.3 of the Annex I to Directive and the value of the significant wave height used in the model tests shall be entered in certificate.

(6) The Ministry shall participate in all model tests and approve their results. Model tests plan shall be approved by the Ministry and shall be documented by means of a report and a video or other visual records. The report for the Ministry shall include:

- a) damage stability calculations for worst and mid-ship damage rate of the ro-ro passenger ship pursuant to the international agreement⁵⁾, if different,
- b) general arrangement drawing of the model together with details of construction and instrumentation,
- c) inclining experiment and rolling test reports,^{*/}

⁴⁾ Chapter II-1 Part B Regulation 8 point 4 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations (Communication No 165/2001 Coll.).

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

^{*/} Note of translator: according to the Directive 2005/12/EC amending the Directive 2003/25/EC the following text should be stated: „inclining experiment and measurements of radii of gyration“.

- d) nominal and measured wave spectra at the three different locations for a representative realisation in the tests with the model closest to the wave maker,
- e) representative record of model motions, attitude and drift,
- f) relevant video recordings.

Article 8

(1) If a ro-ro passenger ship's owner or operator operating a regular service on a year-round basis wants to introduce additional ro-ro passenger ships to operate for a shorter period on that service, it shall notify the competent authority of the host State not later than one month before the said ro-ro passenger ship is operated on that service. If a ro-ro passenger ship's owner or operator, in case of unforeseen circumstances, has to replace a ro-ro passenger ship to ensure continuity of service, the procedure of special regulation⁶⁾ shall apply.

(2) If a ro-ro passenger ship's owner or operator wants to operate seasonally a regular service for a shorter time period not exceeding six months a year, it shall notify the competent authority of the host State not later than three months before such operation takes place.

(3) Where such operations under paragraph 2 take place under conditions of lower significant wave height than those established for the same sea area for all-year-round operation, the significant wave height value applicable for this shorter time period may be agreed between the Member States or, wherever applicable and possible, between Member States and third countries at both ends of the route. The height of water on the deck shall be established pursuant to the value of the significant wave height applicable for this shorter time period in accordance with specific stability requirements for ro-ro passenger ships in conformity with Article 3.

(4) The ro-ro passenger ship operating a service pursuant to paragraphs 1 and 2 shall carry a certificate referred in Article 7 paragraph 1.

Article 9

(1) Existing ro-ro passenger ships, with the exception of those ships to which Article 5 paragraph 2 applies, shall comply with the specific stability requirements for ro-ro passenger ships pursuant to Article 3 not later than 1 October 2010.

(2) Existing ro-ro passenger ships which on 17 May 2003 have been in compliance with the requirements of the international agreement,³⁾ shall comply with the specific stability requirements for ro-ro passenger ships as set out in Article 3 not later than 1 October 2015.

Article 10

Legal Act of the European Communities listed in Annex is transposed by this Government regulation.

Article 11

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

Robert Fico s. m.

⁶⁾ 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.

Annex
to the Government regulation No 580/2006 Coll.

LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES

Directive 2003/25/EC of the European parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (Special edition OJ, 7/Vol. 7.) as amended by Commission Directive 2005/12/EC of the 18 February 2005 (OJ L 48, 19.2.2005).