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

of 31 January 2007,

on monitoring and information system for maritime navigation

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 shall relate to the establishment and use of the monitoring and information system for maritime navigation with a view to enhancing the safety and efficiency of maritime navigation, prevention and detection of pollution by ships and increasing the level of search and rescue operations.

(2) This Government regulation shall apply to the seagoing ships flying the flag of the Slovak Republic (hereinafter referred to as „the ship“) of 300 gross tonnage and upwards, unless stated otherwise.

(3) This Government regulation shall not apply to:

- a) warships, naval auxiliaries and ships owned or operated by the Slovak Republic and used for non-commercial service,
- b) fishing vessels, traditional ships and recreational craft with a length of less than 45 metres,
- c) bunkers below 5 000 tons, ships' stores and equipment for use on board ships.

Article 2

For the purpose of this Government regulation:

- a) operator shall mean the owner or manager of a ship,¹⁾
- b) agent shall mean a natural person mandated or authorised to supply information on behalf of the operator of the ship,
- c) shipper shall mean a natural or legal person who concluded a contract with a carrier pursuant to special regulation,²⁾
- d) dangerous goods shall mean the goods, dangerous liquid substances, liquefied gases and solids in accordance with the international agreement,³⁾
- e) polluting goods shall mean oils⁴⁾, noxious liquid substances⁵⁾ and harmful substances,⁶⁾

¹⁾ Article 2 of the Act No 435/2000 Coll, on maritime navigation as amended by later regulations.

²⁾ E.g. Articles 601 to 629 of the Commercial Code.

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

⁴⁾ Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL 1973) as amended by later regulations.

⁵⁾ Annex II International Convention for the Prevention of Pollution from Ships (MARPOL 1973) as amended by later regulations.

⁶⁾ Annex III International Convention for the Prevention of Pollution from Ships (MARPOL 1973) as amended by later regulations.

- f) cargo transport unit shall mean a road freight vehicle, a railway freight wagon, a container, a road tank vehicle, a railway wagon, or portable tank,
- g) address shall mean the name and the communication link, whereby contact may, where necessary, be made with the operator, agent, port authority or any other authorised person or body in possession of detailed information regarding the ship's cargo,
- h) port authority shall mean the competent authority or body designated by coastal Member States for each port to receive and pass on information reported pursuant to this Government regulation,
- i) vessel traffic service (VTS) shall mean a service designed to improve the safety and efficiency of maritime navigation and to protect the environment, which has the capability to regulate traffic situations developing in the vessel traffic service area,
- j) ship's routing system shall mean a system of one or more routes or routing measures aimed at reducing the risk of casualties; it includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes,
- k) traditional ship shall mean all kinds of historical ships and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique.

Article 3

(1) The operator, agent or master of a ship bound for a port of a Member State of the European Union (hereinafter referred to as „the Member State“) shall notify the information referred in Annex No 1 point 1 to the port authority:

- a) at 24 hours in advance,
- b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours,
- c) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

(2) The operator, agent or master of a ship carrying dangerous or polluting goods, coming from a port of non-Member State of the European Union (hereinafter referred to as „the third country“) and bound for a port of a Member State shall comply with the notification obligations of Article 10.

Article 4

The ship entering the area of a mandatory ship reporting system, adopted by the International Maritime Organisation according to the international agreement⁷⁾ and operated by one or more States, of which at least one is a Member State, shall comply with that system requirements in reporting the information required without prejudice to additional information required by a Member State in accordance with International Maritime Organisation Resolution (hereinafter referred to as „the Resolution“) (A.851(20)).

⁷⁾ Chapter V Regulation 11 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

Article 5

(1) The ship entering the port of a Member State must be equipped with an Automated Identification System which meets the requirements of the international agreement.⁸⁾

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(2) The ship equipped with an Automated Identification System, shall maintain it in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.

(3) The ship entering the port of a Member State must be equipped with a voyage data recorder system meeting the requirements of Resolution A.861(20) and satisfied the testing standards specified in the relevant standard.⁹⁾

(4) Data collected by a voyage data recorder system shall be made available to the Member State concerned for the purpose an investigation following a marine casualty¹⁰⁾ occurring within the waters under the jurisdiction of a Member State.

Article 6

The ship entering the area of a mandatory ships' routing system adopted by the International Maritime Organisation according to the international agreement¹¹⁾ and operated by one or more States, of which at least one is a Member State, shall use the system in accordance with the relevant guidelines and criteria developed by the International Maritime Organisation.

Article 7

(1) The ship entering the area of applicability of a vessel traffic service (VTS) operated by one or more States, of which at least one is a Member State, outside the territorial sea of a Member State and based on the guidelines developed by the International Maritime Organisation, shall use a vessel traffic service (VTS) and comply with, the rules of that VTS.

(2) The ship entering the port of a Member State and the area of applicability of a vessel traffic service (VTS) operated by a Member State outside the territorial sea of a Member State and based on the guidelines developed by the International Maritime Organisation, shall comply with the rules of a vessel traffic service (VTS).

Article 8

Ministry of Transport, Posts and Telecommunications of the Slovak Republic shall cooperate in the investigation of incidents and marine casualties¹⁰⁾ involving a ship flying flag of the Slovak Republic. The investigation of a marine casualty¹⁰⁾ shall comply with Resolution A.849 (20); abovementioned shall be without prejudice to the provisions of a special regulation.¹²⁾

⁸⁾ Chapter V Regulation 19 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

⁹⁾ STN EN 61996 Maritime navigation and radiocommunication equipment and systems. Shipborne voyage data recorder (VDR). Performance requirements. Methods of testing and required test results.

¹⁰⁾ Article 2 letter n) of the 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.

¹¹⁾ Chapter V Regulation 10 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

¹²⁾ Article 11 of the Regulation of the Government of the Slovak Republic No 581/2006 Coll.

Article 9

(1) The shipper shall be obliged to deliver to the master or operator a declaration containing the information pursuant to Annex No 1 point 2 and to ensure that the shipment intended for carriage is the one corresponding to that declaration.

(2) Unless the obligation pursuant to paragraph 1 is satisfied, no dangerous or polluting goods may be offered for carriage or taken on board any ship, irrespective of its size, in a port of a Member State.

Article 10

(1) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods and leaving a port of a Member State shall, at the latest at the moment of departure, notify the information indicated in Annex No 1 point 3 to the competent authority of the coastal Member State.

(2) The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods coming from a port of the third country and bound for a port of a Member State or an anchorage located in a Member State's territorial waters shall, at the latest upon departure from the loading port or as soon as the port of destination or the location of the anchorage is known, if this information is unavailable at the moment of departure, notify the information indicated in Annex No 1 point 3 to the competent authority of the coastal Member State in which the port of destination or anchorage is located.

(3) The operator, agent or master of a ship shall notify the information listed in Annex No 1 point 3 to the port authority if the coastal Member State introduced the procedure authorising the operator, agent or master of a ship to notify the information listed in Annex No 1 point 3 to the port authority.

(4) The information pursuant to paragraphs 1 to 3 must be notified electronically at the request of the competent authority.

Article 11

Following ships shall be considered to be ships posing a potential hazard to shipping or a threat to maritime safety:

a) ships which, in the course of their voyage:

1. have been involved in incidents or marine casualties¹⁰⁾ as referred to in Article 12,
2. have failed to comply with the notification and reporting obligations imposed by this Government regulation,
3. have failed to comply with the rules in ships' routing and vessel traffic service (VTS) systems placed under the responsibility of a coastal Member State,

b) ships in respect of which there is proof or presumptive evidence of deliberate discharges of oil or other infringements of the international agreement¹³⁾ in waters under the jurisdiction of a coastal Member State,

c) ships which have been refused access to ports of the Member States or which have been the subject of a report or notification by a coastal Member State which shall execute a port control.

¹³⁾ International Convention for the Prevention of Pollution from Ships (MARPOL 1973) as amended by later regulations.

Article 12

(1) The master of a ship sailing within search and rescue region or exclusive economic zone or equivalent zone of a coastal Member State, shall report immediately to the competent authority of a coastal Member State responsible for that geographic area:

- a) any incident or marine casualty¹⁰⁾ affecting the safety of the ship, such as collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defects in the hull or structural failures,
- b) any incident or marine casualty¹⁰⁾ which can compromise ship's safety, such as failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment,
- c) any situation liable to lead to pollution of the waters or shore of a Member State, such as the discharge or threat of discharge of polluting products into the sea,
- d) any slick of polluting materials and containers or packages seen drifting at sea.

(2) The reports sent pursuant to paragraph 1 shall include at least the ship's name, its call sign, its position, the port of departure, the port of destination, the address from which information may be obtained on the dangerous and polluting goods carried on board, the number of persons aboard, details of the incident and information referred to in Resolution A.851(20).

(3) The master of a ship shall inform the company¹⁴⁾ of the appropriate measures or recommendations adopted by the competent authority of a coastal Member State in case of exceptionally bad weather or sea conditions. These do not however prejudice the decision of the master of a ship on the basis of his/her professional judgement and in accordance with the international agreement.³⁾ Where the decision taken by the master of the ship is not in accordance with the measures adopted by the competent authority of a coastal Member State, he/she shall inform the competent authority of the coastal Member State of the reasons for his/her decision.

Article 13

(1) The operator, the master of the ship and the owner of the dangerous or polluting goods carried on ship must cooperate fully with the competent national authorities of the coastal Member State, at their request, with a view to minimising the consequences of an incident or marine casualty.¹⁰⁾

(2) The master of a ship to which the provisions of the international agreement¹⁵⁾ are applicable shall, in accordance with that agreement, inform the company¹⁴⁾ of any incident or marine casualty¹⁰⁾, as referred to in Article 12 paragraph 1. As soon as it has been informed of such a situation, the company¹⁴⁾ must contact the competent authority of a Member State and place itself at its disposal as necessary.

Article 14

(1) Ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 3 000 gross tonnage, built not later than 1 July 2002 and entering the port of a Member State, shall comply with the requirements referred to in Article 5 by 1 July 2007.

¹⁴⁾ Chapter IX Regulation 1 paragraph 2 of the International Convention for the Prevention of Pollution from Ships (MARPOL 1973) as amended by later regulations.

¹⁵⁾ Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

(2) Cargo ships of 3 000 gross tonnage and upwards but less than 20 000 gross tonnage, built not later than 1 July 2002 and entering the port of a Member State, shall be equipped with the voyage data recorder system meeting the relevant standards of International Maritime Organisation not later than 1 January 2008.

Article 15

Legal Act of the European Communities listed in Annex No 2 is transposed by this Government regulation.

Article 16

This Government regulation shall enter into force on 15 February 2007.

p. p. **Dušan Čaplovič** s. m.

**Annex No 1
to the Government regulation No 67/2007 Coll.**

LIST OF INFORMATION

1. General information:
 - a) ship identification (name, call sign, IMO identification number or MMSI identification number),
 - b) port of destination,
 - c) estimated time of arrival at the port of destination or pilot station, as required by the competent authority, and estimated time of departure from that port,
 - d) total number of persons on board.
2. Cargo information:
 - a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers, the IMO hazard classes in accordance with the international agreement¹⁾ and, where appropriate, the class of the ship needed for carriage of radiating nuclear fuel, plutonium and high radioactive waste²⁾ in accordance with the international agreement, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof,
 - b) address from which detailed information on the cargo may be obtained.
3. Information:
 - a) general:
 1. ship identification (name, call sign, IMO identification number or MMSI identification number),
 2. port of destination,
 3. for a ship leaving a port of a Member State: estimated time of departure from the port of departure or pilot station, as required by the competent authority, and estimated time of arrival at the port of destination,
 4. for a ship coming from a port other than the port of a Member State and bound for a port in a Member State: estimated time of arrival at the port of destination or pilot station, as required by the competent authority,
 5. total number of persons on board.
 - b) on cargo:
 1. the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers, the IMO hazard classes in accordance with the international agreement¹⁾ and, where appropriate, the class of the ship needed for carriage of radiating nuclear fuel, plutonium and high radioactive waste²⁾ in accordance with the international agreement, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof,

¹⁾ International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

²⁾ Chapter VII Regulation 14 Point 2 of the International Convention for the Safety of Life at Sea (SOLAS 1974) as amended by later regulations.

2. confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the ship is on board,
3. address from which detailed information on the cargo may be obtained.

The master of the ship must forthwith inform the competent authority of a coastal Member State or port authority concerned of any change to the information notified pursuant to this Annex.

**Annex No 2
to the Government regulation No 67/2007 Coll.**

LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (Special edition, OJ EU, 7/Vol. 7.).