

# **LAW OF THE SEA BULLETIN**

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**No. 60**

**2006**

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DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
OFFICE OF LEGAL AFFAIRS

## NOTE

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Furthermore, publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN.

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2006<sup>1</sup>

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations;			
<i>Shaded row</i> indicates landlocked States	Signature (☐ - declaration)	Signature	Signature (☐ - declaration or statement)
<b>TOTALS</b>	149 (☐56) 157 (☐35)	122 79	57 (☐25) 59 (☐5)
Afghanistan			
Albania	23 June 2003 (a)		
Algeria	☐11 June 1996		
Andorra			
Angola	5 December 1990		
Antigua and Barbuda	2 February 1989		
Argentina	☐1 December 1995	1 December 1995	☐ - declaration
Armenia	9 December 2002 (a)	9 December 2002 (a)	

<sup>1</sup> “This consolidated table, which provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements, was prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs. For official information on the status of these treaties, please refer to the publication entitled “*Multilateral Treaties deposited with the Secretary-General*” (<http://untreaty.un.org/>).”

<sup>2</sup> States bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.

<sup>3</sup> States bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.

<sup>4</sup> In accordance with its article 40, the Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations; <i>Shaded row</i> indicates landlocked States	Signature (☐ - declaration)	Signature	Signature (☐ - declaration or statement)
Australia	☐ 5 October 1994	☐ 5 October 1994	☐ 23 December 1999
Austria	☐ 14 July 1995	☐ 14 July 1995	☐ 19 December 2003
Azerbaijan			
Bahamas	☐ 29 July 1983	☐ 28 July 1995	☐ 16 January 1997(a)
Bahrain	☐ 30 May 1985		
Bangladesh	☐ 27 July 2001	☐ 27 July 2001 (a)	
Barbados	☐ 12 October 1993	☐ 28 July 1995 (sp)	☐ 22 September 2000(a)
Belarus	☐		
Belgium	☐ 13 November 1998	☐ 13 November 1998	☐ 19 December 2003
Belize	☐ 13 August 1983	☐ 21 October 1994 (ds)	☐ 14 July 2005
Benin	☐ 16 October 1997	☐ 16 October 1997 (p)	
Bhutan			
Bolivia	☐ 28 April 1995	☐ 28 April 1995 (p)	
Bosnia and Herzegovina	☐ 12 January 1994 (s)		
Botswana	☐ 2 May 1990	☐ 31 January 2005 (a)	
Brazil	☐ 22 December 1988	☐	☐ 8 March 2000
Brunei Darussalam	☐ 5 November 1996	☐ 5 November 1996 (p)	
Bulgaria	☐ 15 May 1996	☐ 15 May 1996 (a)	
Burkina Faso	☐ 25 January 2005	☐ 25 January 2005 (p)	
Burundi			
Cambodia			
Cameroon	☐ 19 November 1985	☐ 28 August 2002	
Canada	☐ 7 November 2003	☐ 7 November 2003	☐ 3 August 1999
Cape Verde	☐ 10 August 1987		
Central African Republic			
Chad			
Chile	☐ 25 August 1997	☐ 25 August 1997 (a)	

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
<i>Italicized text indicates non-members of the United Nations;</i>	Signature (☐ - declaration)	Signature	Signature (☐ - declaration or statement)
Shaded row indicates landlocked States	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Ratification; formal confirmation (fc); accession(a); definitive signature (ds); consent to be bound (p); <sup>2</sup> simplified procedure (sp); <sup>3</sup>	Ratification; accession(a) <sup>4</sup> (☐ - declaration)
China	☐7 June 1996	7 June 1996 (p)	☐
Colombia			
Comoros	21 June 1994		
Congo			
<i>Cook Islands</i>	15 February 1995	15 February 1995 (a)	1 April 1999 (a)
Costa Rica	☐21 September 1992	20 September 2001 (a)	18 June 2001 (a)
Côte d'Ivoire	26 March 1984	28 July 1995 (sp)	☐
Croatia	☐5 April 1995 (s)	5 April 1995 (p)	
Cuba	☐15 August 1984	17 October 2002 (a)	
Cyprus	12 December 1988	27 July 1995	25 September 2002 (a)
Czech Republic	☐21 June 1996	21 June 1996	
Democratic People's Republic of Korea			
Democratic Republic of the Congo	17 February 1989		
Denmark	☐16 November 2004	16 November 2004	☐19 December 2003
Djibouti	8 October 1991		
Dominica	24 October 1991		
Dominican Republic			
Ecuador	☐26 August 1983		☐
Egypt			☐
El Salvador	21 July 1997	21 July 1997 (p)	
Equatorial Guinea			
Eritrea			
Estonia	☐26 August 2005 (a)	26 August 2005 (a)	
Ethiopia			
European Community	☐1 April 1998 (fc)	1 April 1998(fc)	☐19 December 2003
Fiji	10 December 1982	28 July 1995	☐12 December 1996

<b>State or entity</b>	<b>United Nations Convention on the Law of the Sea</b> (in force as from 16 November 1994)	<b>Agreement relating to the implementation of Part XI of the Convention</b> (in force as from 28 July 1996)	<b>Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks</b> (in force as from 11 December 2001)
<i>Italicized text</i> indicates non- members of the United Nations; <i>Shaded row</i> indicates landlocked States			
Finland	Signature (☐ - declaration) ☐ 21 June 1996	Signature ☐ 21 June 1996	Signature (☐ - declaration or statement) ☐ 19 December 2003
France	☐ 11 April 1996	☐ 11 April 1996	☐ 19 December 2003
Gabon	☐ 11 March 1998	☐ 11 March 1998 (p)	
Gambia	☐ 22 May 1984		
Georgia	☐ 21 March 1996 (a)	☐ 21 March 1996 (p)	
Germany	☐ 14 October 1994 (a)	☐ 14 October 1994	☐ 19 December 2003
Ghana	☐ 7 June 1983		
Greece	☐ 21 July 1995	☐ 21 July 1995	☐ 19 December 2003
Grenada	☐ 25 April 1991	☐ 28 July 1995 (sp)	
Guatemala	☐ 11 February 1997	☐ 11 February 1997 (p)	
Guinea	☐ 6 September 1985	☐ 28 July 1995 (sp)	☐ 16 September 2005 (a)
Guinea-Bissau	☐ 25 August 1986		
Guyana	☐ 16 November 1993		
Haiti	☐ 31 July 1996	☐ 31 July 1996 (p)	
<i>Holy See</i>			
Honduras	☐ 5 October 1993	☐ 28 July 2003 (a)	
Hungary	☐ 5 February 2002	☐ 5 February 2002 (a)	
Iceland	☐ 21 June 1985	☐ 28 July 1995 (sp)	☐ 14 February 1997
India	☐ 29 June 1995	☐ 29 June 1995	☐ 19 August 2003 (a)
Indonesia	☐ 3 February 1986	☐ 2 June 2000	
Iran (Islamic Republic of)	☐		☐ 17 April 1998(a)
Iraq	☐ 30 July 1985		
Ireland	☐ 21 June 1996	☐ 21 June 1996	☐ 19 December 2003
Israel			
Italy	☐ 13 January 1995	☐ 13 January 1995	☐ 19 December 2003
Jamaica	☐ 21 March 1983	☐ 28 July 1995 (sp)	
Japan	☐ 20 June 1996	☐ 20 June 1996	












State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
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Jordan	27 November 1995 (a)	27 November 1995 (p)	
Kazakhstan			
Kenya	2 March 1989	29 July 1994 (ds)	13 July 2004(a)
Kiribati	□24 February 2003 (a)	24 February 2003 (p)	15 September 2005 (a)
Kuwait	□2 May 1986	2 August 2002 (a)	
Kyrgyzstan			
Lao People's Democratic Republic	5 June 1998	5 June 1998 (p)	
Latvia	23 December 2004 (a)	23 December 2004 (a)	
Lebanon	5 January 1995	5 January 1995 (p)	
Lesotho			
Liberia			16 September 2005 (a)
Libyan Arab Jamahiriya			
Liechtenstein			
Lithuania	□12 November 2003 (a)	12 November 2003 (a)	
Luxembourg	5 October 2000	5 October 2000	□19 December 2003
Madagascar	22 August 2001	22 August 2001 (p)	
Malawi			
Malaysia	□14 October 1996	14 October 1996 (p)	
Maldives	7 September 2000	7 September 2000	30 December 1998
Mali	16 July 1985		
Malta	□20 May 1993	26 June 1996	□11 November 2001(a)
Marshall Islands	9 August 1991 (a)		19 March 2003
Mauritania	17 July 1996	17 July 1996 (p)	
Mauritius	4 November 1994	4 November 1994 (p)	□25 March 1997(a)
Mexico	18 March 1983	10 April 2003 (a)	
Micronesia (Federated States of)	29 April 1991 (a)	6 September 1995	23 May 1997

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
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Monaco	20 March 1996	20 March 1996 (p)	9 June 1999(a)
Mongolia	13 August 1996	13 August 1996 (p)	
Morocco			
Mozambique	13 March 1997	13 March 1997 (a)	
Myanmar	21 May 1996	21 May 1996 (a)	
Namibia	18 April 1983	28 July 1995 (sp)	8 April 1998
Nauru	23 January 1996	23 January 1996 (p)	10 January 1997(a)
Nepal	2 November 1998	2 November 1998 (p)	
Netherlands	□28 June 1996	28 June 1996	□19 December 2003
New Zealand	19 July 1996	19 July 1996	18 April 2001
Nicaragua	□3 May 2000	3 May 2000 (p)	
Niger			
Nigeria	14 August 1986	28 July 1995 (sp)	
<i>Niue</i>			
Norway	□24 June 1996	24 June 1996 (a)	□30 December 1996
Oman	□17 August 1989	26 February 1997 (a)	
Pakistan	□26 February 1997	26 February 1997 (p)	
Palau	30 September 1996 (a)	30 September 1996 (p)	
Panama	□1 July 1996	1 July 1996 (p)	
Papua New Guinea	14 January 1997	14 January 1997 (p)	4 June 1999
Paraguay	26 September 1986	10 July 1995	
Peru			
Philippines	□8 May 1984	23 July 1997	
Poland	13 November 1998	13 November 1998	□14 March 2006 (a)
Portugal	□3 November 1997	3 November 1997	□19 December 2003
Qatar	9 December 2002	9 December 2002 (p)	
Republic of Korea	29 January 1996	29 January 1996	
Republic of Moldova			

<b>State or entity</b>	<b>United Nations Convention on the Law of the Sea</b> (in force as from 16 November 1994)	<b>Agreement relating to the implementation of Part XI of the Convention</b> (in force as from 28 July 1996)	<b>Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks</b> (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations; <i>Shaded row</i> indicates landlocked States	Signature (☐ - declaration)	Signature	Signature (☐ - declaration or statement)
Romania	☐ 17 December 1996	17 December 1996 (a)	
Russian Federation	☐ 12 March 1997	12 March 1997 (a)	☐ 4 August 1997
Rwanda			
Saint Kitts and Nevis	☐ 7 January 1993		
Saint Lucia	☐ 27 March 1985		☐ 9 August 1996
Saint Vincent and the Grenadines	☐ 1 October 1993		
Samoa	☐ 14 August 1995	14 August 1995 (p)	☐ 25 October 1996
San Marino			
Sao Tome and Principe	☐ 3 November 1987		
Saudi Arabia	☐ 24 April 1996	24 April 1996 (p)	
Senegal	☐ 25 October 1984	25 July 1995	☐ 30 January 1997
Serbia and Montenegro	☐ 12 March 2001 (s)	28 July 1995 (sp) <sup>2</sup>	
Seychelles	☐ 16 September 1991	15 December 1994	☐ 20 March 1998
Sierra Leone	☐ 12 December 1994	12 December 1994 (p)	
Singapore	☐ 17 November 1994	17 November 1994 (p)	
Slovakia	☐ 8 May 1996	8 May 1996	
Slovenia	☐ 16 June 1995 (s)	16 June 1995	
Solomon Islands	☐ 23 June 1997	23 June 1997 (p)	☐ 13 February 1997 (a)
Somalia	☐ 24 July 1989		
South Africa	☐ 23 December 1997	23 December 1997	☐ 14 August 2003 (a)
Spain	☐ 15 January 1997	15 January 1997	☐ 19 December 2003
Sri Lanka	☐ 19 July 1994	28 July 1995 (sp)	☐ 24 October 1996
Sudan	☐ 23 January 1985		
Suriname	☐ 9 July 1998	9 July 1998 (p)	

<sup>2</sup> For further details, see Chapter XXI of the publication entitled "Multilateral Treaties deposited with the Secretary-General" (<http://untreaty.un.org/ENGLISH/bible/englishinternet/bible/part1/chapterXXI/chapterXXI.asp>)

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations; <i>Shaded row</i> indicates landlocked States	Ratification; formal confirmation(fc); accession(a); succession(s); (□ - declaration)	Ratification; formal confirmation (fc); accession(a); definitive signature (ds); consent to be bound (p); <sup>2</sup> simplified procedure (sp); <sup>3</sup>	Ratification; accession(a) <sup>4</sup> (□ - declaration)
Swaziland	Signature (□ - declaration)	Signature	Signature (□ - declaration or statement)
Sweden	□ 25 June 1996	□ 25 June 1996	□ 19 December 2003
Switzerland	□	□	□
Syrian Arab Republic	□	□	□
Tajikistan	□	□	□
Thailand	□	□	□
The former Yugoslav Republic of Macedonia	19 August 1994 (s)	19 August 1994 (p)	
Timor-Leste			
Togo	16 April 1985	28 July 1995 (sp)	
Tonga	2 August 1995 (a)	2 August 1995 (p)	31 July 1996
Trinidad and Tobago	25 April 1986	28 July 1995 (sp)	
Tunisia	□ 24 April 1985	24 May 2002	
Turkey	□	□	□
Turkmenistan	□	□	□
Tuvalu	9 December 2002	9 December 2002 (p)	□
Uganda	9 November 1990	28 July 1995 (sp)	□
Ukraine	□ 26 July 1999	26 July 1999	27 February 2003
United Arab Emirates	□	□	□
United Kingdom	□ 25 July 1997 (a)	25 July 1997	□ 10 December 2001 19 December 2003 <sup>5</sup>
United Republic of Tanzania	□ 30 September 1985	25 June 1998	□
United States of America	□	□	□ 21 August 1996
Uruguay	□ 10 December 1992	□	□ 10 September 1999
Uzbekistan	□	□	□
Vanuatu	10 August 1999	10 August 1999(p)	□

<b>State or entity</b>	<b>United Nations Convention on the Law of the Sea</b> (in force as from 16 November 1994)	<b>Agreement relating to the implementation of Part XI of the Convention</b> (in force as from 28 July 1996)	<b>Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks</b> (in force as from 11 December 2001)
<i>Italicized text indicates non-members of the United Nations;</i> <i>Shaded row indicates landlocked States</i>	Signature  (☐ - declaration)	Signature 	Signature  (☐ - declaration or statement)
Venezuela (Bolivarian Republic of)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Ratification; formal confirmation (fc); accession(a); definitive signature (ds); consent to be bound (p); <sup>2</sup> simplified procedure (sp); <sup>3</sup>	Ratification; accession(a) <sup>4</sup> (☐ - declaration)
Viet Nam	 25 July 1994		
Yemen	 21 July 1987		
Zambia	 7 March 1983	 28 July 1995 (sp)	
Zimbabwe	 24 February 1993	 28 July 1995 (sp)	
<b>TOTALS</b>	<b>157 (☐35)</b>	<b>79</b> 122	<b>59 (☐5)</b> <b>57 (☐25)</b>

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2006

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Gambia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania (30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 April 1986)
28. Kuwait (2 May 1986)
29. Nigeria (14 August 1986)
30. Guinea-Bissau (25 August 1986)
31. Paraguay (26 September 1986)
32. Yemen (21 July 1987)
33. Cape Verde (10 August 1987)
34. São Tomé and Príncipe (3 November 1987)
35. Cyprus (12 December 1988)
36. Brazil (22 December 1988)
37. Antigua and Barbuda (2 February 1989)
38. Democratic Republic of the Congo (17 February 1989)
39. Kenya (2 March 1989)
40. Somalia (24 July 1989)
41. Oman (17 August 1989)
42. Botswana (2 May 1990)
43. Uganda (9 November 1990)
44. Angola (5 December 1990)
45. Grenada (25 April 1991)
46. Micronesia (Federated States of) (29 April 1991)
47. Marshall Islands (9 August 1991)
48. Seychelles (16 September 1991)
49. Djibouti (8 October 1991)
50. Dominica (24 October 1991)
51. Costa Rica (21 September 1992)
52. Uruguay (10 December 1992)
53. Saint Kitts and Nevis (7 January 1993)
54. Zimbabwe (24 February 1993)
55. Malta (20 May 1993)
56. Saint Vincent and the Grenadines (1 October 1993)
57. Honduras (5 October 1993)
58. Barbados (12 October 1993)
59. Guyana (16 November 1993)
60. Bosnia and Herzegovina (12 January 1994)
61. Comoros (21 June 1994)
62. Sri Lanka (19 July 1994)
63. Viet Nam (25 July 1994)
64. The former Yugoslav Republic of Macedonia (19 August 1994)
65. Australia (5 October 1994)
66. Germany (14 October 1994)
67. Mauritius (4 November 1994)
68. Singapore (17 November 1994)
69. Sierra Leone (12 December 1994)
70. Lebanon (5 January 1995)
71. Italy (13 January 1995)
72. Cook Islands (15 February 1995)
73. Croatia (5 April 1995)
74. Bolivia (28 April 1995)
75. Slovenia (16 June 1995)
76. India (29 June 1995)
77. Austria (14 July 1995)
78. Greece (21 July 1995)
79. Tonga (2 August 1995)
80. Samoa (14 August 1995)
81. Jordan (27 November 1995)
82. Argentina (1 December 1995)
83. Nauru (23 January 1996)
84. Republic of Korea (29 January 1996)
85. Monaco (20 March 1996)
86. Georgia (21 March 1996)
87. France (11 April 1996)

88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Community (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Serbia and Montenegro (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)

(b) Agreement relating to the implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Yugoslavia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)

40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Community (1 April 1998)
89. Lao People's Democratic Republic (5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)
104. Hungary (5 February 2002)
105. Tunisia (24 May 2002)
106. Cameroon (28 August 2002)
107. Kuwait (2 August 2002)
108. Cuba (17 October 2002)
109. Armenia (9 December 2002)
110. Qatar (9 December 2002)
111. Tuvalu (9 December 2002)
112. Kiribati (24 February 2003)
113. Mexico (10 April 2003)
114. Albania (23 June 2003)
115. Honduras (28 July 2003)
116. Canada (7 November 2003)
117. Lithuania (12 November 2003)
118. Denmark (16 November 2004)
119. Latvia (23 December 2004)
120. Botswana (31 January 2005)
121. Burkina Faso (25 January 2005)
122. Estonia (26 August 2005)

(c) Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)



10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom (10 December 2001), (19 December 2003)<sup>1</sup>
32. Cyprus (25 September 2002)
33. Ukraine (27 February 2003)
34. Marshall Islands (19 March 2003)
35. South Africa (14 August 2003)
36. India (19 August 2003)
37. European Community (19 December 2003)
38. Austria (19 December 2003)
39. Belgium (19 December 2003)
40. Denmark (19 December 2003)
41. Finland (19 December 2003)
42. France (19 December 2003)
43. Germany (19 December 2003)
44. Greece (19 December 2003)
45. Ireland (19 December 2003)
46. Italy (19 December 2003)
47. Luxembourg (19 December 2003)
48. Netherlands (19 December 2003)
49. Portugal (19 December 2003)
50. Spain (19 December 2003)
51. Sweden (19 December 2003)
52. Kenya (13 July 2004)
53. Belize (14 July 2005)
54. Kiribati (15 September 2005)
55. Guinea (16 September 2005)
56. Liberia (16 September 2005)
57. Poland (14 March 2006)

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<sup>1</sup> For further details, see ChapterXXI of the publication entitled “*Multilateral Treaties deposited with the Secretary-General*”: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXXI/treaty9.asp>

3. Declarations by States

Poland

*Declaration of 14 March 2006 made upon accession to the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks*

The Government of the Republic of Poland recalls that, as a Member State of the European Community, it has transferred competence to the European Community in respect of certain matters governed by the Agreement.

At the same time, the Republic of Poland confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS  
CONVENTION ON THE LAW OF THE SEA

A. United Nations General Assembly resolutions of interest

1. General Assembly Resolution 60/30 of 29 November 2005: Oceans and the Law of the Sea

*The General Assembly,*

*Recalling* its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002, 58/240 of 23 December 2003, 59/24 of 17 November 2004 and other relevant resolutions concerning the United Nations Convention on the Law of the Sea (“the Convention”),<sup>1</sup>

*Having considered* the report of the Secretary-General,<sup>2</sup> the addendum thereto<sup>3</sup> and also the reports on the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (“the Consultative Process”),<sup>4</sup> the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,<sup>5</sup> and the fifteenth Meeting of States Parties to the Convention,<sup>6</sup>

*Emphasizing* the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as for the sustainable development of the oceans and seas,

*Emphasizing also* the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,<sup>7</sup>

*Conscious* that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

*Reiterating* the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

<sup>2</sup> A/60/63.

<sup>3</sup> A/60/63/Add.2.

<sup>4</sup> A/60/99.

<sup>5</sup> A/60/91.

<sup>6</sup> SPLOS/135.

<sup>7</sup> *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

*Emphasizing* the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

*Recalling* that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

*Recalling also* its decision, in resolutions 57/141 and 58/240, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,<sup>8</sup> and noting the need for cooperation among all States to this end,

*Reiterating its concern* at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal discharge of oil and other harmful substances, the loss or release of fishing gear and the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

*Recognizing* that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and recognizing also in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

*Noting with concern* the continuing problem of transnational organized crime and threats to maritime safety and security, including piracy, armed robbery at sea and smuggling, and noting the deplorable loss of life and adverse impact on international trade resulting from such activities,

*Noting* the important role of the Commission on the Limits of the Continental Shelf ("the Commission") in assisting States parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and also noting the need to ensure the effective functioning of the Commission during a period of

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<sup>8</sup> *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 36 (b).

rapidly increasing workload, and noting in particular the need to ensure participation of the members of the Commission in its subcommissions,

*Recognizing* the importance and the contribution of the work over the past six years of the Consultative Process established by resolution 54/33 to facilitate the annual review of developments in ocean affairs by the General Assembly and extended for three years by resolution 57/141,

*Noting* the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the increase in activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (“the Division”), in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, the increasing capacity-building activities and assistance to the Commission, and the role of the Division in inter-agency coordination and cooperation,

*Emphasizing* that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

## I

### **Implementation of the Convention and related agreements and instruments**

1. *Reaffirms* its resolutions 49/28, 52/26, 54/33, 57/141, 58/240, 59/24 and other relevant resolutions concerning the Convention;<sup>1</sup>

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Agreement”);<sup>2</sup>

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (“the Fish Stocks Agreement”);<sup>10</sup>

4. *Reaffirms* the unified character of the Convention and the need to preserve its integrity;

5. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of

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<sup>2</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

<sup>10</sup> *Ibid.*, vol. 2167, No. 37924.

an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the effort made by the United Nations Educational, Scientific and Cultural Organization with respect to the preservation of underwater cultural heritage, and notes in particular the rules annexed to the 2001 Convention on the Protection of the Underwater Cultural Heritage<sup>11</sup> that address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among parties, their nationals and vessels flying their flag;

## II

### Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

12. *Recognizes* the need to build the capacity of developing States to raise awareness of, and support implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

13. *Also recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

14. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology, adopted by the Assembly of the

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<sup>11</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October–3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24, annex.

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization;<sup>12</sup>

15. *Also encourages* States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of its continental shelf;

16. *Commends with satisfaction* the Division upon the completion of the training manual, notes with appreciation the successful conduct of two regional training courses, and welcomes the intention to conduct two additional training courses before mid-2006, the purpose of which is to train technical staff of coastal developing States on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of submissions to the Commission;

17. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue making such training courses available at the regional and also the subregional and national levels, as appropriate;

18. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the new trust fund established by the Secretary-General for the Office of Legal Affairs of the Secretariat to support the promotion of international law;

19. *Recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea, urges Member States and others in a position to do so to contribute to the further development of the Fellowship Programme, and takes note with satisfaction of the ongoing implementation of the United Nations and the Nippon Foundation Fellowship Programme, focusing on human resources development for developing coastal States parties and non-parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

### III

#### Meeting of States Parties

20. *Welcomes* the report of the fifteenth Meeting of States Parties to the Convention;<sup>6</sup>

21. *Requests* the Secretary-General to convene the sixteenth Meeting of States Parties to the Convention in New York from 19 to 23 June 2006 and to provide the services required;

### IV

#### Peaceful settlement of disputes

22. *Notes with satisfaction* the continued and significant contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and

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<sup>12</sup> See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

23. *Notes* that States parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement which is submitted to it in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

24. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

25. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement;

## V

### The Area

26. *Notes with satisfaction* the progress of the discussions on issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the International Seabed Authority (“the Authority”), pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

27. *Takes note* of the decision of the Council of the Authority<sup>13</sup> to approve a plan of work for exploration of polymetallic nodules submitted by a new contractor, which is an important step towards the utilization of the resources in the Area;

28. *Also takes note* of the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment respectively;

## VI

### Effective functioning of the Authority and the Tribunal

29. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time;

30. *Encourages* all States parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to pursue all options, including the issue of dates, in order to improve attendance in Kingston and ensure global participation;

31. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal<sup>14</sup> and to the Protocol on the Privileges and Immunities of the Authority,<sup>15</sup>

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<sup>13</sup> ISBA/11/C/10.

<sup>14</sup> SPLOS/25.

<sup>15</sup> ISBA/4/A/8, annex.



## VII

### **The continental shelf and the work of the Commission**

32. *Encourages* States parties to the Convention that are in a position to do so to make every effort to submit information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention,<sup>16</sup>

33. *Notes with satisfaction* the progress in the work of the Commission,<sup>17</sup> that it is giving current consideration to three new submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and that a number of States have advised of their intention to make submissions in the near future;

34. *Approves* the convening by the Secretary-General of the seventeenth session of the Commission in New York from 20 March to 21 April 2006, and of the eighteenth session of the Commission in New York from 21 August to 15 September 2006, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 20 to 31 March 2006; 10 to 21 April 2006; 23 August to 5 September 2006; and 11 to 15 September 2006;

35. *Takes note* of the steps undertaken by the Secretariat to improve the facilities for the use by the Commission, as well as of the additional requirements of the Commission,<sup>3</sup> and urges the Secretary-General to continue taking all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention in light of its rapidly increasing workload;

36. *Encourages* States to make additional contributions to the voluntary trust funds established by resolution 55/7 of 30 October 2000, in its paragraphs 18 and 20, for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, and for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

37. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of the coastal State in relevant proceedings concerning its submission;

38. *Takes note* of the amendment to annex 3 to the rules of procedure of the Commission that allows for enhanced interaction between submitting States and the Commission;

39. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States, in particular developing States, to the Commission;

40. *Requests* the Secretary-General, in cooperation with the Member States, to continue supporting and organizing workshops or symposiums on scientific and technical aspects of the establishment of the

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<sup>16</sup> SPLOS/72.

<sup>17</sup> CLCS/44 and CLCS/48 and Corr.1.

outer limits of the continental shelf beyond 200 nautical miles, taking into account the deadline for submission;

## VIII

### **Maritime safety and security and flag State implementation**

41. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

42. *Also encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;<sup>18</sup>

43. *Welcomes* the convening of the ninety-fourth (Maritime) session of the International Labour Conference, from 7 to 23 February 2006, to adopt the consolidated maritime labour convention;

44. *Also welcomes* the efforts undertaken by the International Maritime Organization and the International Labour Organization to develop guidelines on fair treatment of seafarers in the event of a maritime accident, as a way of enhancing the protection of the basic human rights of seafarers detained in connection with maritime accidents;

45. *Notes* the progress in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004,<sup>19</sup> and encourages States concerned to continue their efforts in the implementation of all areas of the Action Plan;

46. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law. States should maintain dialogue and consultation, in particular under the aegis of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials. States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns. These concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;<sup>20</sup>

47. *Once again urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

48. *Welcomes* the progress made by the International Maritime Organization on the establishment of a voluntary International Maritime

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<sup>18</sup> International Maritime Organization, Assembly resolution A.949(23).

<sup>19</sup> See [www-ns.iaea.org/meetings/rw-summaries/vienna-transport-safety-2003.htm](http://www-ns.iaea.org/meetings/rw-summaries/vienna-transport-safety-2003.htm).

<sup>20</sup> Resolution 60/1, para. 56 (o).

Organization member State audit scheme, and looks forward to its further development within the International Maritime Organization;

49. *Looks forward* to the results of the ongoing work of the International Maritime Organization in cooperation with other competent international organizations, following the invitation extended to it in resolution 58/240 and resolution 58/14 of 24 November 2003, to examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with duties and obligations of flag States described in relevant international instruments;

50. *Encourages* States to cooperate to address threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats;

51. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

52. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,<sup>21</sup> takes note of the adoption of the 2005 Protocols amending those instruments on 14 October 2005,<sup>22</sup> and also urges States parties to take appropriate measures to ensure the effective implementation of those instruments, through the adoption of legislation, where appropriate;

53. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and related amendments to the International Convention for the Safety of Life at Sea,<sup>23</sup> and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

54. *Also calls upon* States to ensure freedom of navigation and the rights of transit passage and innocent passage in accordance with international law, in particular the Convention;

55. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing the safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation efforts to keep such straits safe and open to international navigation at all times, consistent with international law, in particular the Convention;

56. *Calls upon* user States and States bordering straits for international navigation to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships;

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<sup>21</sup> International Maritime Organization publication, Sales No. 462.88.12.E.

<sup>22</sup> International Maritime Organization, documents LEG/CONF.15/21 and LEG/CONF.15/22.

<sup>23</sup> Ibid., documents SOLAS/CONF.5/32 and 34.

57. *Welcomes* the progress in regional cooperation in some geographical areas, through the Jakarta Statement on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore, adopted on 8 September 2005,<sup>24</sup> and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, adopted on 11 November 2004 in Tokyo, and urges States to give urgent attention to adopting, concluding and implementing cooperation agreements at the regional level in high-risk areas;

58. *Urges* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime<sup>25</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>26</sup> and to take appropriate measures to ensure their effective implementation;

59. *Calls upon* States to cooperate to ensure that persons are rescued at sea and delivered to a place of safety, and urges States to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue<sup>27</sup> and to the International Convention for the Safety of Life at Sea<sup>28</sup> relating to the delivery of persons rescued at sea to a place of safety, upon their entry into force, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;<sup>29</sup>

60. *Welcomes* the adoption by the International Hydrographic Organization of the “World Hydrography Day”, to be celebrated annually on 21 June, with the aim of giving suitable publicity to its work at all levels and of increasing the coverage of hydrographic information on a global basis, and urges all States to work with that organization to promote safe navigation, especially in the areas of international navigation, ports and where there are vulnerable or protected marine areas;

## IX

### **Marine environment, marine resources, marine biodiversity and the protection of vulnerable marine ecosystems**

61. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

62. *Encourages* States to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against pollution and physical degradation, as well as agreements that provide for compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

63. *Also encourages* States to ratify or accede to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of

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<sup>24</sup> A/60/529, annex II.

<sup>25</sup> Resolution 55/25, annex III.

<sup>26</sup> Ibid., annex II.

<sup>27</sup> International Maritime Organization, document MSC/78/26/Add.1, annex 5, resolution MSC.155(78).

<sup>28</sup> Ibid., annex 3, resolution MSC.153(78).

<sup>29</sup> Ibid., annex 34, resolution MSC.167(78).

Wastes and Other Matter, 1972,<sup>30</sup> in order to ensure the timely entry into force of the Protocol;

64. *Further encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

65. *Notes* the lack of information and data on marine debris, encourages relevant national and international organizations to undertake further studies on the extent and nature of the problem, also encourages States to develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

66. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

67. *Invites* the International Maritime Organization, in consultation with relevant organizations and bodies, to review annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and to assess its effectiveness in addressing sea-based sources of marine debris;

68. *Welcomes* the continued work of the International Maritime Organization relating to port waste reception facilities, and notes the work done to identify problem areas and to develop an action plan addressing the inadequacy of such facilities;

69. *Calls upon* States to take all appropriate measures to control, reduce and minimize, to the fullest extent possible, marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, and to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities<sup>31</sup> and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities,<sup>32</sup>

70. *Welcomes* the convening in Beijing of the Second Intergovernmental Review Meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, from 16 to 20 October 2006, as an opportunity to discuss marine debris in relation to the source categories of the Global Programme of Action, and urges broad high-level participation;

71. *Also welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration<sup>33</sup> and of the time-

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<sup>30</sup> IMO/LC.2/Circ.380.

<sup>31</sup> A/51/116, annex II.

<sup>32</sup> See A/57/57, annex I.B.

<sup>33</sup> See resolution 55/2.

bound targets in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),<sup>34</sup> in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;<sup>35</sup>

72. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity,<sup>36</sup> and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity;<sup>37</sup>

73. *Reaffirms* the need for States and competent international organizations to urgently consider ways to integrate and improve, based on the best available scientific information and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

74. *Also reaffirms* the need for States to continue their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

75. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools such as the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012;

76. *Also notes* the Millennium Ecosystem Assessment Synthesis reports and the urgent need to protect the marine biodiversity expressed therein;

77. *Calls upon* States and international organizations to urgently take action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

78. *Takes note* of the report of the Secretary-General relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction,<sup>38</sup> prepared and released in response to the request in paragraph 74 of resolution 59/24;

79. *Decides* that the meeting of the Ad Hoc Open-ended Informal Working Group established in paragraph 73 of resolution 59/24 shall be open to all States Members of the United Nations and all parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, and noting that the meeting may be conducted in closed sessions, as appropriate;

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<sup>34</sup> *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

<sup>35</sup> *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

<sup>36</sup> See A/51/312, annex II, decision II/10.

<sup>37</sup> UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

<sup>38</sup> A/60/63/Add.1.

80. *Decides also* that the meeting of the Working Group shall be coordinated by two co-chairpersons, who will be appointed by the President of the General Assembly in consultation with Member States and taking into account the need for representation from developed and developing countries;

81. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Mahe, Seychelles, from 25 to 27 April 2005, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs, and notes the progress that the International Coral Reef Initiative and other relevant bodies have made to incorporate cold water coral ecosystems into their programmes and activities and to promote the conservation and sustainable use of all coral reef resources;

82. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

83. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

84. *Encourages* further studies and consideration of the impacts of ocean noise on marine living resources;

## X

### Marine science

85. *Calls upon* States, individually, or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

86. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in this initiative;

87. *Takes note with appreciation* of the work of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission on the practice of States members of the Commission in the application of Parts XIII and XIV of the Convention, and notes the recommendations endorsed by the Commission as a result of this work;

88. *Welcomes* the adoption by the Assembly of the Intergovernmental Oceanographic Commission of the procedure for the application of article 247 of the Convention by the Commission;<sup>39</sup>

## XI

### Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

89. *Endorses* the conclusions of the second International Workshop on the regular process for global reporting and assessment of the state of

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<sup>39</sup> See resolution XXIII-8, adopted at the twenty-third session of the Assembly of the Intergovernmental Oceanographic Commission.

the marine environment, including socio-economic aspects (“the regular process”);<sup>40</sup>

90. *Decides* to launch the start-up phase, the “assessment of assessments”, to be completed within two years, as a preparatory stage towards the establishment of the regular process;

91. *Decides also* to establish an organizational arrangement that includes an ad hoc steering group to oversee the execution of the “assessment of assessments”, two United Nations agencies to co-lead the process, and a group of experts;

92. *Establishes* the Ad Hoc Steering Group with the following composition:

(a) One representative from each Member State to be appointed by the President of the General Assembly, in consultation with Member States and regional groups, ensuring an adequate range of expertise, and on an equitable geographical basis as follows: five Member States from the African Group, five Member States from the Asian Group, two Member States from the Eastern European Group, three Member States from the Latin American and Caribbean Group, and three Member States from the Western European and other States Group, with the understanding that agency funding support for such experts is subject to availability of funds;

(b) One representative from each of the following United Nations bodies and related international organizations: the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the International Maritime Organization, the Intergovernmental Oceanographic Commission and the United Nations Environment Programme, as well as the International Seabed Authority;

93. *Sets forth* the following functions to be performed by the Ad Hoc Steering Group:

(a) To approve the composition of the group of experts to be proposed by the lead agencies and communicate this composition to the States Members of the United Nations;

(b) To decide on a work programme for the “assessment of assessments”, to be proposed by the group of experts through the lead agencies, and to distribute it to the States Members of the United Nations;

(c) To provide for an open-ended mid-term review of the work and progress made so far, in order to give all States Members of the United Nations an opportunity to comment on and contribute to the development of the ongoing work carried out under the “assessment of assessments”;

(d) To give guidance, consistent with the conclusions of the second International Workshop, to the lead agencies and the group of experts, if required;

94. *Determines* that the lead agencies shall undertake the following actions, under the guidance of the Ad Hoc Steering Group, in addition to contributing to the work in accordance with their own mandate:

(a) To provide secretariat services to the Ad Hoc Steering Group;

(b) To coordinate the work in collaboration with relevant United Nations bodies, organizations and programmes and related international organizations;

(c) To establish a group of experts, upon approval by the Ad Hoc Steering Group, to undertake the actual work of assessing the various

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<sup>40</sup> A/60/91, annex.



assessments, taking into account the importance of adequate participation of experts from developing countries within this group;

(d) To prepare a report on the results of the “assessment of assessments” for the General Assembly;

95. *Invites* the United Nations Environment Programme and the Intergovernmental Oceanographic Commission to jointly undertake the role of lead agencies, under the guidance of the Ad Hoc Steering Group;

96. *Decides* that the execution of the “assessment of assessments”, including the activities of the Ad Hoc Steering Group and the group of experts, shall be financed through voluntary contributions and other resources available to participating organizations and bodies, and invites Member States in a position to do so to make contributions;

## XII

### Regional cooperation

97. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in this context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

98. *Takes note* of the second Asia-Pacific Economic Cooperation Ocean-related Ministerial Meeting, held on 16 and 17 September 2005 in Bali, Indonesia, in particular the Joint Ministerial Statement and the Bali Plan of Action, which recognize the important contribution provided by the oceans and their resources to the sustainable economic growth and the well-being of the Asia-Pacific region;

## XIII

### Open-ended informal consultative process on oceans and the law of the sea

99. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, welcomes the work of the Consultative Process over the past six years, notes the contribution of the Consultative Process to strengthening the annual debate of the General Assembly on oceans and the law of the sea, and decides to continue with the Consultative Process for the next three years, in accordance with resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixty-third session;

100. *Recognizes* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process;

101. *Requests* the Secretary-General to convene the seventh meeting of the Consultative Process, in New York, from 12 to 16 June 2006, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

102. *Encourages* States to make additional contributions to the voluntary trust fund, established pursuant to resolution 55/7, for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process;

103. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should focus its discussions on the following topic/s: “Ecosystem approaches and oceans”;

#### **XIV**

##### **Coordination and cooperation**

104. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

105. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

106. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

107. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

#### **XV**

##### **Activities of the Division for Ocean Affairs and the Law of the Sea**

108. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

109. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

#### **XVI**

##### **Sixty-first session of the General Assembly**

110. *Requests* the Secretary-General to prepare a comprehensive report, in its current comprehensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-first session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution,

in accordance with resolutions 49/28, 52/26 and 54/33, and to make the report available at least six weeks in advance of the meeting of the Consultative Process;

111. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

112. *Notes* that the report referred to in paragraph 110 above will also be presented to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

113. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, decides to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting and that the Division has sufficient time to produce the report referred to in paragraph 110 above;

114. *Decides* to include in the provisional agenda of its sixty-first session the item entitled "Oceans and the law of the sea".

56th plenary meeting  
29 November 2005

2. General Assembly Resolution 60/31 of 29 November 2005: Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

*The General Assembly,*

*Reaffirming* its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (“the Agreement”),<sup>1</sup> and its resolutions 58/14 of 24 November 2003 and 59/25 of 17 November 2004,

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea (“the Convention”),<sup>2</sup> and bearing in mind the relationship between the Convention and the Agreement,

*Recognizing* that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on compliance and enforcement by the flag State and subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to the conservation and management of straddling fish stocks and highly migratory fish stocks and the development of fisheries for such stocks,

*Noting* that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (“the Code”)<sup>3</sup> and its associated international plans of action set out principles and global standards of behaviour for responsible practices for the conservation of fisheries resources and the management and development of fisheries,

*Noting with concern* that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas,

*Noting with satisfaction* the Strategy for Improving Information on Status and Trends of Capture Fisheries, recently adopted by the Food and Agriculture Organization of the United Nations,<sup>4</sup> and recognizing that the long-term improvement of the knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

*Recognizing* the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2167, No. 37924.

<sup>2</sup> *Ibid.*, vol. 1833, No. 31363.

<sup>3</sup> *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

<sup>4</sup> Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24–28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702(En)), appendix H.

(“Johannesburg Plan of Implementation”),<sup>5</sup> in relation to achieving sustainable fisheries, including the objective to maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015,

*Recognizing also* the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

*Deploring* the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, unauthorized fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity,

*Concerned* that illegal, unreported and unregulated fishing threatens seriously to deplete certain fish stocks and to significantly damage marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

*Welcoming* the outcomes of the twenty-sixth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, held from 7 to 11 March 2005,<sup>6</sup>

*Welcoming also* the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations on 12 March 2005,<sup>7</sup> which renewed the resolve of the international community to prevent, deter and eliminate illegal, unreported and unregulated fishing,

*Welcoming further* the 2005 Rome Declaration on Fisheries and the Tsunami, adopted by the Ministerial Meeting on 12 March 2005,<sup>8</sup> which addressed the issue of rehabilitation in relation to the tsunami disaster,

*Noting* the efforts of the International Labour Organization in relation to work in the fishing sector,

*Recognizing* that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

*Concerned* that marine pollution from all sources, including vessels and, in particular, land-based sources, constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine habitats and has significant costs to local and national economies,

*Recognizing* that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to its prevention and removal are necessary,

*Recognizing also* the need for appropriate measures to address lost or abandoned gear, including catches by derelict fishing gear, which adversely affects, inter alia, fish stocks and habitats,

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<sup>5</sup> *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

<sup>6</sup> See Food and Agriculture Organization of the United Nations, *Report of the twenty-sixth session of the Committee on Fisheries, Rome, 7–11 March 2005*, FAO Fisheries Report No. 780 (FIPL/R780(En)).

<sup>7</sup> Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL 128/INF/11), appendix B.

<sup>8</sup> *Ibid.* appendix A.

*Noting* that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

*Calling attention* to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology, to assist such States in meeting their obligations and exercising their rights under international instruments, in order to realize the benefits from fisheries resources,

*Noting* the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

*Recognizing* the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (“the Compliance Agreement”),<sup>2</sup> the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

*Recognizing also* the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of a precautionary approach, and through appropriate measures to reduce waste, discards and other factors which adversely affect fish stocks,

*Recognizing further* the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of certain shark species to over-exploitation and the need for measures to promote the long-term sustainability of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing development guidance of such measures,

*Reaffirming its support* for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks,

*Welcoming* the Ministerial Declaration of the “Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement – Moving from Words to Action”, held in St. John’s, Canada, from 1 to 5 May 2005, acknowledging that it is an initiative to improve high seas fisheries governance, including effective implementation of the Agreement,

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<sup>2</sup> *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

*Noting with satisfaction* the outcomes of the fourth round of informal consultations of States parties to the Agreement, held in New York from 31 May to 3 June 2005,

*Taking note with appreciation* of the report of the Secretary-General,<sup>10</sup> in particular its useful role in gathering and disseminating information on or relating to the sustainable development of the world's marine living resources,

*Expressing concern* that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

*Emphasizing* that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

*Expressing concern* over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts to reduce by-catch in longline fishing through various regional fisheries management organizations and arrangements,

*Recognizing* the endorsement of the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations<sup>11</sup> by the Committee on Fisheries at its twenty-sixth session,

*Welcoming* the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

## I

### Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,<sup>2</sup> in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;<sup>1</sup>

2. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

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<sup>10</sup> A/60/189.

<sup>11</sup> Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, Thailand, 29 November–2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765(En)), appendix E.

4. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply, in accordance with international law, the precautionary approach and an ecosystem approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

5. *Welcomes and encourages* the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, in particular the recent call to effectively implement the various instruments already developed to ensure responsible fisheries;

6. *Urges* States to eliminate barriers to trade, including tariff peaks, high tariffs and non-tariff barriers and measures which are not consistent with their obligations under the World Trade Organization agreements, taking into account the importance of the trade of fisheries products, particularly for developing countries;

7. *Welcomes* the 2005 International Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries of the Food and Agriculture Organization of the United Nations, acknowledges the role of certification and ecolabelling schemes, which are to be consistent with international law, including relevant World Trade Organization agreements, and notes ongoing discussions in the World Trade Organization on such schemes;

8. *Urges* States and relevant international and national organizations to provide for participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

## II

### **Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**

9. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

10. *Calls upon* States parties to the Agreement to harmonize, as a matter of priority, their national legislation with the provisions of the Agreement, and to ensure that the provisions of the Agreement are effectively implemented into regional fisheries management organizations and arrangements of which they are a member;

11. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

12. *Encourages* States, as appropriate, to recognize that the general principles of the Agreement should also apply to discrete fish stocks in the high seas;

13. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and



arrangements in accordance with relevant provisions of the Convention and of the Agreement;

14. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

15. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

16. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fishery resources;

17. *Notes with satisfaction* that the Assistance Fund under Part VII of the Agreement has begun to operate and consider applications for assistance by developing States parties to the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical persons to make voluntary financial contributions to the Fund;

18. *Welcomes* the inaugural meeting at Windhoek, from 28 to 30 September 2005 of the Scientific Committee of the South-East Atlantic Fisheries Organization and its Commission's subsequent adoption of new conservation measures for the resources that fall under its responsibility within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean, and urges signatory States and other States whose vessels fish in that Convention area for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to apply it and the measures adopted thereunder provisionally, to ensure that vessels entitled to fly their flags apply such measures;

19. *Also welcomes* the inaugural meeting in Pohnpei, Federated States of Micronesia, on 9 and 10 December 2004 of the Western and Central Pacific Fisheries Commission, and further encourages relevant States to become parties to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and, in the interim, to apply that Convention and the measures adopted thereunder to vessels entitled to fly their flags;

20. *Reaffirms* paragraph 16 of resolution 59/25 concerning the convening by the Secretary-General, pursuant to article 36 of the Agreement, of a review conference ("the review conference"), to be held in New York from 22 to 26 May 2006;

21. *Takes note* of the report of the fourth round of informal consultations of States parties to the Agreement, requests that the Secretary-General, in preparing, in cooperation with the Food and Agriculture Organization of the United Nations, the comprehensive report

referred to in paragraph 17 of resolution 59/25, take into account the specific guidance proposed by the fourth round of informal consultations regarding the comprehensive report, and also requests that an advance unedited version of such a report be made available in accordance with past practice via the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (“the Division”) as of 16 January 2006;

22. *Invites* States parties, as well as States and entities entitled to become parties, subregional and regional fisheries management organizations and arrangements, and other intergovernmental and non-governmental organizations, to submit information and views to the review conference on matters relevant to the mandate of the conference and which would inform its work;

23. *Recalls* paragraph 6 of resolution 56/13, and requests the Secretary-General to convene in March 2006 a fifth round of informal consultations of States parties to the Agreement, to serve as preparation for the review conference;

24. *Requests* the Secretary-General to prepare a draft provisional agenda and draft rules of procedure for the review conference, and to circulate them at the same time as the provisional agenda, proposed by the fourth round of informal consultations of States parties to the Agreement, for the fifth round of informal consultations, sixty days in advance of these consultations;

25. *Also requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, which are not parties to the Agreement, to participate fully in the fifth round of informal consultations of States parties to the Agreement on an equal footing with those States parties, except without voting rights, and reaffirms that, in accordance with past practice, every effort will be made to adopt recommendations on the basis of consensus;

26. *Further requests* the Secretary-General to invite the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant inter-governmental bodies and relevant non-governmental organizations to attend the fifth round of informal consultations of States parties to the Agreement as observers;

27. *Encourages* wide participation in the review conference, in accordance with article 36 of the Agreement, and calls upon those States that are able to do so to become parties to the Agreement prior to the conference;

### III

#### Related fisheries instruments

28. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,<sup>9</sup> and urges continued efforts in this regard;

29. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

30. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code<sup>3</sup> within their areas of competence;

31. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

32. *Welcomes* the adoption of the Code of Safety for Fishermen and Fishing Vessels as revised by the Food and Agriculture Organization of the United Nations, the International Labour Organization and the International Maritime Organization and encourages its effective application, and urges States to become parties to the 1993 Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels;

#### IV

##### **Illegal, unreported and unregulated fishing**

33. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

34. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

35. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported and unregulated fishing activities and, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

36. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels and illegal, unreported and unregulated fishing activities;

37. *Urges* States to exercise effective control over their nationals and vessels flying their flag in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities;

38. *Recalls* the request to the Secretary-General to report to the General Assembly at its sixty-first session on the study undertaken by the International Maritime Organization, in cooperation with other competent

international organizations, following the invitation extended to it in resolution 58/14 and resolution 58/240 of 23 December 2003, to examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with the duties and obligations of flag States prescribed in the relevant international instruments;

39. *Reaffirms* the appeal made by the Ministers of Fisheries of the Food and Agriculture Organization of the United Nations in their 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing,<sup>7</sup> including for further international action to eliminate illegal, unreported and unregulated fishing by vessels flying “flags of convenience” as well as to require that a “genuine link” be established between States and fishing vessels flying their flags, and calls upon States to implement the Declaration as a matter of priority;

40. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

41. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

42. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level and through regional and subregional fisheries management organizations and arrangements, and encourages States to apply the model scheme on port State measures endorsed by the Committee on Fisheries at its twenty-sixth session in March 2005<sup>6</sup> at the national and regional levels, to promote its application through regional fisheries management organizations and arrangements and bodies, and to consider, when appropriate, the possibility of developing a legally binding instrument;

43. *Calls upon* all States to ensure that vessels flying their flag do not engage in trans-shipments of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing, and, individually or through regional fisheries management organizations or arrangements, to develop more effective enforcement and compliance measures to prevent and suppress such trans-shipments in accordance with international law;

44. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems for fishing vessels, including the sharing of information on fisheries enforcement matters, to join the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities and to consider the possibility, when appropriate, of transforming the Network, in accordance with international law, into an international unit with dedicated resources that can assist fisheries enforcement agencies;

45. *Encourages and supports* the development of a comprehensive global record within the Food and Agriculture Organization of the United Nations of fishing vessels, including refrigerated transport vessels and

supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law, and urges flag States to require that all their large-scale fishing vessels operating on the high seas be fitted with vessel monitoring systems no later than December 2008, or earlier if so decided by the flag State or any relevant regional fisheries management organizations or arrangements, as called for in the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing;

46. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

## V

### Fishing overcapacity

47. *Calls upon* States and relevant regional and subregional fisheries management organizations and arrangements, as a matter of priority, to take effective measures to improve the management of fishing capacity and to implement the International Plan of Action for the Management of Fishing Capacity of the Food and Agriculture Organization of the United Nations, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fish stocks are overexploited or in a depleted condition;

48. *Reaffirms* the 2005 Rome Declaration on Fisheries and the Tsunami,<sup>8</sup> which emphasized, inter alia, the need for fisheries and aquaculture rehabilitation in the affected areas to be in line with the principles of the Code and stressed that rehabilitation efforts, including transfer of vessels, must proceed under the leadership and control of the affected nations and must ensure that the fishing capacity that is being rebuilt is commensurate with the productive capacity of the fisheries resources and their sustainable utilization;

49. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization in accordance with the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health<sup>12</sup> to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector, including small-scale and artisanal fisheries and aquaculture, to developing countries;

## VI

### Large-scale pelagic drift-net fishing

50. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to enforce fully the measures recommended in those resolutions;

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<sup>12</sup> See World Trade Organization, document WT/MIN(01)/DEC/2. Available from <http://docsonline.wto.org>.

## VII

### Fisheries by-catch and discards

51. *Urges* States, regional and subregional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

52. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

53. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations<sup>11</sup> and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries in order to prevent the decline of sea turtles and seabird populations by reducing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and promotion and strengthening of data collection programmes to obtain standardized information to develop reliable estimates of the by-catch of those species;

## VIII

### Subregional and regional cooperation

54. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

55. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

56. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

57. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or

arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

58. *Welcomes and urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, to strengthen and modernize their mandates to include an ecosystem approach to fisheries management and biodiversity considerations, where those aspects are lacking, to ensure that they effectively contribute to long-term conservation and management of marine living resources;

59. *Urges* regional fisheries management organizations and arrangements to ensure that their decision-making processes rely on the best scientific information available, incorporate the precautionary approach, develop criteria for allocation which reflects, where appropriate, the relevant provisions of the Agreement, and strengthen integration, coordination and cooperation with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

60. *Encourages* States, through their participation in regional fisheries management organizations and arrangements, to initiate processes for their performance review, and welcomes the work of the Food and Agriculture Organization of the United Nations in the development of general objective criteria for such reviews;

61. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to verify compliance with conservation and management measures and identify products from illegal, unreported and unregulated catches, including, where possible, establishing tracking and verification mechanisms to do so, and encourages improved coordination among all parties and regional fisheries management organizations and arrangements to share and use this information;

62. *Encourages* the establishment of regional guidelines for States to use in establishing sanctions, for non-compliance by vessels flying their flag and by their nationals, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits deriving from their illegal activities;

## IX

### **Responsible fisheries in the marine ecosystem**

63. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem<sup>13</sup> and decision VII/11<sup>14</sup> and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity, notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

64. *Encourages* enhanced science for conservation and management measures that incorporate and strengthen, in accordance with international law, the precautionary approach and consideration of ecosystem

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<sup>13</sup> E/CN.17/2002/PC.2/3, annex.

<sup>14</sup> See UNEP/CBD/COP/7/21, annex.

approaches to fisheries management, including through implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries,<sup>4</sup> and a greater reliance on scientific advice in adopting such measures;

65. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations more timely and comprehensive catch and effort data, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas stocks and by-catch and discards;

66. *Encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

67. *Also encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

68. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

69. *Reaffirms* the importance it attaches to paragraphs 66 to 71 of resolution 59/25 concerning the impacts of fishing on vulnerable marine ecosystems, and urges accelerated progress by States and regional fisheries management organizations and arrangements on implementing these elements of the resolution;

70. *Requests* regional fisheries management organizations and arrangements with the competence to regulate bottom fisheries to adopt, in accordance with paragraph 67 of resolution 59/25, and implement appropriate conservation and management measures, including spatial and temporal measures, to protect vulnerable marine ecosystems as a matter of urgency;

71. *Welcomes* progress made in the implementation of paragraphs 68 and 69 of resolution 59/25 calling for the expansion, where appropriate, of the competence of existing regional fisheries management organizations or arrangements to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems or for the establishment of new regional fisheries management organizations or arrangements with such competence to cover areas of the high seas where no such organization or arrangement currently exists;

72. *Calls upon* States urgently to accelerate their cooperation in establishing interim targeted protection mechanisms for vulnerable marine ecosystems in regions where they have an interest in the conservation and management of marine living resources;

73. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to report to the General Assembly at its sixty-first session on the actions taken by States and regional fisheries management organizations and arrangements to give



effect to paragraphs 66 to 69 of resolution 59/25, in order to facilitate the review referred to in paragraph 71 of the resolution of progress on action taken, with a view to further recommendations, where necessary, in areas where arrangements are inadequate, and further requests that an advance unedited version of the report be made available in accordance with past practice via the website of the Division as of 15 July 2006;

74. *Requests* States and regional fisheries management organizations and arrangements to submit detailed information to the Secretary-General in a timely manner on actions taken pursuant to paragraphs 66 to 69 of resolution 59/25 to facilitate a comprehensive review of such actions;

75. *Encourages* progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

76. *Notes* that 2005 marks the ten-year anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,<sup>15</sup> and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

77. *Calls upon* States, the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, in particular its Regional Seas programme, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations that have not yet done so to take action to address the issue of lost or abandoned fishing gear and related marine debris, including through the collection of data on gear loss, economic costs to fisheries and other sectors, and the impact on marine ecosystems;

78. *Encourages* close cooperation and coordination, as appropriate, between States, relevant intergovernmental organizations, United Nations programmes and other bodies, such as the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, the Global Programme of Action, and Regional Seas arrangements, regional and subregional fisheries management organizations and arrangements and relevant stakeholders, including non-governmental organizations, to address the issue of lost and discarded fishing gear and related marine debris, through initiatives such as analysis of the implementation and effectiveness of the existing measures relevant to the control and management of derelict fishing gear and related marine debris, the development and implementation of targeted studies to determine the socio-economic, technical and other factors that influence the accidental loss and deliberate disposal of fishing gear at sea, the assessment and implementation of preventive measures, incentives and/or disincentives relating to the loss and disposal of fishing gear at sea, and the development of best management practices;

79. *Encourages* States, directly and through regional and subregional fisheries management organizations and arrangements, and in close cooperation and coordination with relevant stakeholders, to address the issue of lost and discarded fishing gear and related marine debris,

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<sup>15</sup> A/51/116, annex II.

through initiatives including developing and implementing joint prevention and recovery programmes, establishing a clearing-house mechanism to facilitate the sharing of information between States on fishing net types and other fishing gear, the regular, long-term collection, collation and dissemination of information on derelict fishing gear, and national inventories of net types and other fishing gear, as appropriate;

80. *Encourages* States, the United Nations Environment Programme, the Global Programme of Action, the Food and Agriculture Organization of the United Nations, the International Maritime Organization, subregional and regional fisheries management organizations and arrangements and other relevant intergovernmental organizations and programmes to consider the outcomes of the Asia-Pacific Economic Cooperation Education and Outreach Seminar on Derelict Fishing Gear and Related Marine Debris, held in January 2004, and how they may be implemented;

81. *Encourages* States to raise awareness within their fishing sector and subregional and regional fisheries management organizations and arrangements of the issue of derelict fishing gear and related marine debris and to identify options for action;

82. *Encourages* the Committee on Fisheries to consider the issue of derelict fishing gear and related marine debris at its next meeting in 2007, and in particular the implementation of relevant provisions of the Code;

## X

### Capacity-building

83. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Conservation and Management of Sharks, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

84. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

85. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

86. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water

fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement;

87. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing, including fish processing facilities, within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources;

88. *Encourages* greater assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

## XI

### Cooperation within the United Nations system

89. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

90. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

91. *Invites* the Division, the Food and Agriculture Organization of the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries, in order to avoid duplication;

## XII

### Sixty-first session of the General Assembly

92. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

93. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant

specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

94. *Decides* to include in the provisional agenda of its sixty-first session, under the item entitled “Oceans and the law of the sea”, the sub-item entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.

*56th plenary meeting  
29 November 2005*

B. National Legislation

1. Norway

(a) Regulations of 25 February 2005 relating to the baseline determining the extent of the territorial sea around Bouvet Island<sup>1</sup>

*Laid down by Royal Decree of 25 February 2005, pursuant to the Act of 27 June 2003 relating to Norway's territorial waters and contiguous zone. Submitted by the Ministry of Foreign Affairs.*

1 The limit of the territorial sea around Bouvet Island is to be drawn outside and parallel to the low-water line, and is to be measured from the following points:

No.	Position S. lat deg min sec	Position E. long deg min sec	
BO01	-54 23 11.4	3 21 07.8	Gjest Baardsenstøtta
BO02	-54 23 11.7	3 21 20.0	
BO03	-54 23 13.7	3 22 37.8	
BO04	-54 23 33.3	3 23 20.0	
BO05	-54 23 41.1	3 24 40.0	Litle Kari
BO06	-54 24 21.5	3 25 17.8	
BO07	-54 24 40.4	3 25 45.6	
BO08	-54 25 02.6	3 26 01.1	
BO09	-54 25 20.9	3 26 07.8	Lindsayskjeret
BO10	-54 26 19.6	3 25 28.3	
BO11	-54 26 42.7	3 24 53.9	
BO12	-54 26 51.5	3 24 47.8	Williamsrevet
BO13	-54 26 51.4	3 22 43.3	
BO14	-54 27 07.2	3 20 00.6	Selodden
BO15	-54 27 15.3	3 18 45.6	Larsøya SV
BO16	-54 27 14.0	3 18 42.2	
BO17	-54 26 34.6	3 18 24.4	
BO18	-54 26 05.5	3 17 23.3	
BO19	-54 26 03.9	3 16 52.2	Bennskjera S
BO20	-54 26 01.0	3 16 51.1	Bennskjera N
BO21	-54 25 28.7	3 17 11.1	
BO22	-54 25 14.3	3 17 10.6	
BO23	-54 24 36.5	3 17 00.6	
BO24	-54 24 14.0	3 16 41.1	Norrisrevet
BO25	-54 23 48.6	3 16 46.7	Skarven
BO26	-54 23 44.7	3 17 26.7	
BO27	-54 23 47.9	3 17 42.2	
BO28	-54 23 51.8	3 18 44.4	
BO29	-54 23 51.8	3 18 48.9	
BO30	-54 23 47.3	3 20 01.9	
BO31	-54 23 15.0	3 21 03.3	Djvelporten SV

(BO: Bouvet Island)

The coordinates in the list are referenced to the geodetic datum WGS84.

2 These regulations enter into force 1 April 2005.

<sup>1</sup> Text transmitted through note verbale dated 31 March 2005 from the Permanent Mission of Norway to the United Nations addressed to the Secretary-General of the United Nations.

(b) List of geographical coordinates of points  
defining the outer limit of the territorial sea around Bouvet Island<sup>2</sup>

The coordinates in the list are referenced to the geodetic datum WGS84.

Position S. lat	Position E. long	
deg min sec	deg min sec	
-54 11 54.4	3 14 17.6	CIRCLE ABOUT BO26
-54 11 57.7	3 13 44.6	POINT BO25
-54 12 3.2	3 12 50.3	CIRCLE ABOUT BO25
-54 12 10.1	3 11 56.4	CIRCLE ABOUT BO25
-54 12 18.4	3 11 3.1	CIRCLE ABOUT BO25
-54 12 28.2	3 10 10.5	CIRCLE ABOUT BO25
-54 12 39.2	3 9 18.6	CIRCLE ABOUT BO25
-54 12 51.7	3 8 27.7	CIRCLE ABOUT BO25
-54 13 5.4	3 7 37.8	CIRCLE ABOUT BO25
-54 13 20.5	3 6 48.9	CIRCLE ABOUT BO25
-54 13 36.8	3 6 1.3	CIRCLE ABOUT BO25
-54 13 54.4	3 5 14.9	CIRCLE ABOUT BO25
-54 14 13.1	3 4 30.0	CIRCLE ABOUT BO25
-54 14 33.0	3 3 46.5	CIRCLE ABOUT BO25
-54 14 54.1	3 3 4.5	CIRCLE ABOUT BO25
-54 15 16.2	3 2 24.2	CIRCLE ABOUT BO25
-54 15 39.3	3 1 45.7	CIRCLE ABOUT BO25
-54 16 3.5	3 1 8.9	CIRCLE ABOUT BO25
-54 16 28.6	3 0 34.0	CIRCLE ABOUT BO25
-54 16 54.5	3 0 1.1	CIRCLE ABOUT BO25
-54 17 21.4	2 59 30.2	CIRCLE ABOUT BO25
-54 17 49.0	2 59 1.4	CIRCLE ABOUT BO25
-54 18 17.3	2 58 34.7	CIRCLE ABOUT BO25
-54 18 46.3	2 58 10.2	CIRCLE ABOUT BO25
-54 19 15.9	2 57 48.0	CIRCLE ABOUT BO25
-54 19 46.0	2 57 28.0	CIRCLE ABOUT BO25
-54 20 16.7	2 57 10.4	CIRCLE ABOUT BO25
-54 20 47.8	2 56 55.2	CIRCLE ABOUT BO25
-54 21 19.3	2 56 42.3	CIRCLE ABOUT BO25
-54 21 51.0	2 56 31.9	CIRCLE ABOUT BO25
-54 22 23.0	2 56 23.9	CIRCLE ABOUT BO25
-54 22 27.8	2 56 23.0	POINT BO24
-54 22 59.9	2 56 15.9	CIRCLE ABOUT BO24

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<sup>2</sup> Text transmitted through note verbale dated 31 March 2005 from the Permanent Mission of Norway to the United Nations addressed to the Secretary-General of the United Nations.

-54 23 32.1	2 56 11.3	CIRCLE ABOUT BO24
-54 24 4.5	2 56 9.2	CIRCLE ABOUT BO24
-54 24 36.8	2 56 9.6	CIRCLE ABOUT BO24
-54 25 9.1	2 56 12.4	CIRCLE ABOUT BO24
-54 25 41.3	2 56 17.8	CIRCLE ABOUT BO24
-54 25 44.7	2 56 18.5	POINT BO20
-54 26 17.1	2 56 18.4	CIRCLE ABOUT BO20
-54 26 49.4	2 56 20.7	CIRCLE ABOUT BO20
-54 27 21.6	2 56 25.6	CIRCLE ABOUT BO20
-54 27 53.6	2 56 32.9	CIRCLE ABOUT BO20
-54 28 25.5	2 56 42.7	CIRCLE ABOUT BO20
-54 28 34.5	2 56 46.0	POINT BO20 BO19
-54 28 37.4	2 56 47.0	POINT BO19
-54 29 8.8	2 57 .0	CIRCLE ABOUT BO19
-54 29 39.9	2 57 15.4	CIRCLE ABOUT BO19
-54 30 10.5	2 57 33.1	CIRCLE ABOUT BO19
-54 30 40.7	2 57 53.3	CIRCLE ABOUT BO19
-54 31 10.3	2 58 15.7	CIRCLE ABOUT BO19
-54 31 39.2	2 58 40.4	CIRCLE ABOUT BO19
-54 32 7.5	2 59 7.4	CIRCLE ABOUT BO19
-54 32 35.1	2 59 36.5	CIRCLE ABOUT BO19
-54 33 1.8	3 0 7.7	CIRCLE ABOUT BO19
-54 33 27.7	3 0 41.0	CIRCLE ABOUT BO19
-54 33 52.8	3 1 16.3	CIRCLE ABOUT BO19
-54 34 16.8	3 1 53.4	CIRCLE ABOUT BO19
-54 34 39.9	3 2 32.4	CIRCLE ABOUT BO19
-54 34 42.0	3 2 36.1	POINT BO16
-54 35 6.8	3 3 11.7	CIRCLE ABOUT BO16
-54 35 30.7	3 3 49.2	CIRCLE ABOUT BO16
-54 35 53.6	3 4 28.5	CIRCLE ABOUT BO16
-54 36 15.5	3 5 9.6	CIRCLE ABOUT BO16
-54 36 36.2	3 5 52.3	CIRCLE ABOUT BO16
-54 36 55.8	3 6 36.6	CIRCLE ABOUT BO16
-54 37 14.2	3 7 22.4	CIRCLE ABOUT BO16
-54 37 14.3	3 7 22.6	POINT BO16 BO15
-54 37 15.6	3 7 26.0	POINT BO15
-54 37 32.8	3 8 13.2	CIRCLE ABOUT BO15
-54 37 48.8	3 9 1.7	CIRCLE ABOUT BO15
-54 38 3.4	3 9 51.4	CIRCLE ABOUT BO15
-54 38 16.8	3 10 42.2	CIRCLE ABOUT BO15

-54 38 28.8	3 11 34.0	CIRCLE ABOUT BO15
-54 38 39.4	3 12 26.6	CIRCLE ABOUT BO15
-54 38 48.6	3 13 20.1	CIRCLE ABOUT BO15
-54 38 56.5	3 14 14.2	CIRCLE ABOUT BO15
-54 39 2.9	3 15 8.8	CIRCLE ABOUT BO15
-54 39 7.8	3 16 3.9	CIRCLE ABOUT BO15
-54 39 11.3	3 16 59.4	CIRCLE ABOUT BO15
-54 39 13.4	3 17 55.0	CIRCLE ABOUT BO15
-54 39 14.0	3 18 50.8	CIRCLE ABOUT BO15
-54 39 13.1	3 19 46.6	CIRCLE ABOUT BO15
-54 39 10.8	3 20 42.2	CIRCLE ABOUT BO15
-54 39 7.0	3 21 37.6	CIRCLE ABOUT BO15
-54 39 1.8	3 22 32.6	CIRCLE ABOUT BO15
-54 38 57.5	3 23 8.8	POINT BO14
-54 38 51.8	3 24 3.7	CIRCLE ABOUT BO14
-54 38 50.0	3 24 19.1	POINT BO12
-54 38 50.0	3 25 14.9	CIRCLE ABOUT BO12
-54 38 48.6	3 26 10.6	CIRCLE ABOUT BO12
-54 38 45.7	3 27 6.1	CIRCLE ABOUT BO12
-54 38 41.3	3 28 1.4	CIRCLE ABOUT BO12
-54 38 35.5	3 28 56.2	CIRCLE ABOUT BO12
-54 38 28.3	3 29 50.6	CIRCLE ABOUT BO12
-54 38 19.6	3 30 44.3	CIRCLE ABOUT BO12
-54 38 9.6	3 31 37.3	CIRCLE ABOUT BO12
-54 37 58.2	3 32 29.4	CIRCLE ABOUT BO12
-54 37 45.4	3 33 20.6	CIRCLE ABOUT BO12
-54 37 31.3	3 34 10.8	CIRCLE ABOUT BO12
-54 37 15.9	3 34 59.8	CIRCLE ABOUT BO12
-54 36 59.2	3 35 47.5	CIRCLE ABOUT BO12
-54 36 41.3	3 36 33.9	CIRCLE ABOUT BO12
-54 36 22.2	3 37 18.9	CIRCLE ABOUT BO12
-54 36 1.9	3 38 2.3	CIRCLE ABOUT BO12
-54 35 40.5	3 38 44.0	CIRCLE ABOUT BO12
-54 35 18.1	3 39 24.1	CIRCLE ABOUT BO12
-54 34 54.6	3 40 2.4	CIRCLE ABOUT BO12
-54 34 30.1	3 40 38.8	CIRCLE ABOUT BO12
-54 34 4.7	3 41 13.2	CIRCLE ABOUT BO12
-54 33 41.7	3 41 41.8	POINT BO10
-54 33 15.8	3 42 15.0	CIRCLE ABOUT BO10
-54 32 48.9	3 42 46.0	CIRCLE ABOUT BO10

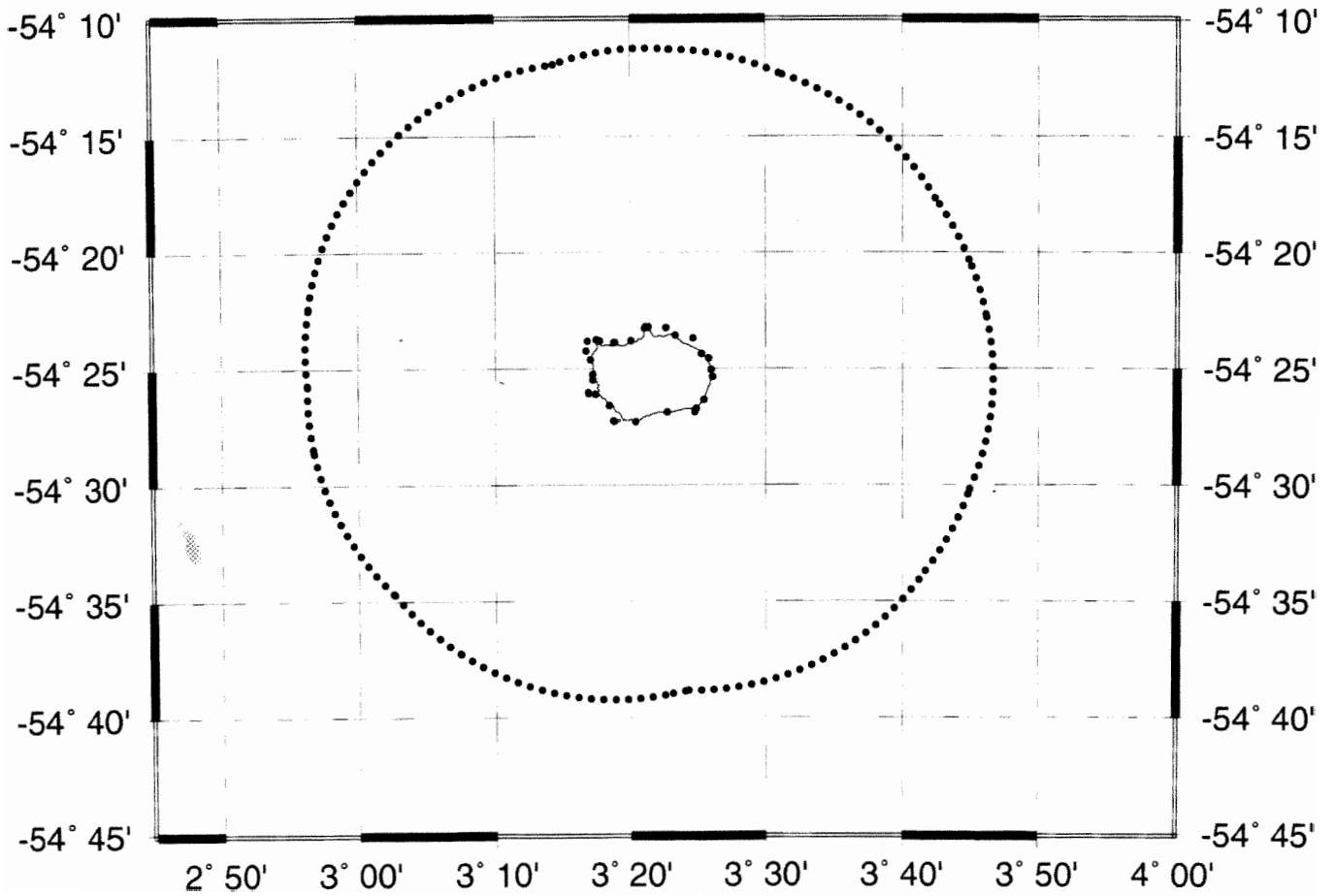


-54 32 21.3	3 43 15.0	CIRCLE ABOUT BO10
-54 31 53.0	3 43 41.8	CIRCLE ABOUT BO10
-54 31 24.0	3 44 6.4	CIRCLE ABOUT BO10
-54 30 54.4	3 44 28.7	CIRCLE ABOUT BO10
-54 30 24.2	3 44 48.7	CIRCLE ABOUT BO10
-54 30 10.9	3 44 56.6	POINT BO09
-54 29 41.0	3 45 17.7	CIRCLE ABOUT BO09
-54 29 10.6	3 45 36.6	CIRCLE ABOUT BO09
-54 28 39.7	3 45 53.0	CIRCLE ABOUT BO09
-54 28 8.4	3 46 7.0	CIRCLE ABOUT BO09
-54 27 36.8	3 46 18.6	CIRCLE ABOUT BO09
-54 27 4.9	3 46 27.8	CIRCLE ABOUT BO09
-54 26 32.8	3 46 34.4	CIRCLE ABOUT BO09
-54 26 .6	3 46 38.6	CIRCLE ABOUT BO09
-54 25 28.2	3 46 40.3	CIRCLE ABOUT BO09
-54 24 55.9	3 46 39.5	CIRCLE ABOUT BO09
-54 24 23.6	3 46 36.2	CIRCLE ABOUT BO09
-54 23 51.5	3 46 30.4	CIRCLE ABOUT BO09
-54 23 19.5	3 46 22.1	CIRCLE ABOUT BO09
-54 22 47.7	3 46 11.4	CIRCLE ABOUT BO09
-54 22 40.0	3 46 8.4	POINT BO08
-54 22 8.4	3 45 56.1	CIRCLE ABOUT BO08
-54 21 37.3	3 45 41.3	CIRCLE ABOUT BO08
-54 21 6.5	3 45 24.2	CIRCLE ABOUT BO08
-54 20 36.2	3 45 4.7	CIRCLE ABOUT BO08
-54 20 18.9	3 44 52.4	POINT BO07
-54 19 49.1	3 44 31.0	CIRCLE ABOUT BO07
-54 19 19.9	3 44 7.3	CIRCLE ABOUT BO07
-54 18 51.3	3 43 41.4	CIRCLE ABOUT BO07
-54 18 23.4	3 43 13.4	CIRCLE ABOUT BO07
-54 17 56.3	3 42 43.3	CIRCLE ABOUT BO07
-54 17 40.2	3 42 23.9	POINT BO05
-54 17 12.6	3 41 55.0	CIRCLE ABOUT BO05
-54 16 45.9	3 41 24.0	CIRCLE ABOUT BO05
-54 16 19.9	3 40 51.0	CIRCLE ABOUT BO05
-54 15 54.9	3 40 16.0	CIRCLE ABOUT BO05
-54 15 30.8	3 39 39.2	CIRCLE ABOUT BO05
-54 15 7.7	3 39 .5	CIRCLE ABOUT BO05
-54 14 45.6	3 38 20.2	CIRCLE ABOUT BO05
-54 14 24.6	3 37 38.2	CIRCLE ABOUT BO05

-54 14 4.7	3 36 54.6	CIRCLE ABOUT BO05
-54 13 46.0	3 36 9.6	CIRCLE ABOUT BO05
-54 13 28.5	3 35 23.2	CIRCLE ABOUT BO05
-54 13 12.3	3 34 35.5	CIRCLE ABOUT BO05
-54 12 57.3	3 33 46.6	CIRCLE ABOUT BO05
-54 12 43.6	3 32 56.6	CIRCLE ABOUT BO05
-54 12 31.2	3 32 5.6	CIRCLE ABOUT BO05
-54 12 20.2	3 31 13.7	CIRCLE ABOUT BO05
-54 12 17.1	3 30 58.0	POINT BO03
-54 12 4.7	3 30 7.1	CIRCLE ABOUT BO03
-54 11 53.5	3 29 15.3	CIRCLE ABOUT BO03
-54 11 43.8	3 28 22.7	CIRCLE ABOUT BO03
-54 11 35.4	3 27 29.4	CIRCLE ABOUT BO03
-54 11 28.5	3 26 35.6	CIRCLE ABOUT BO03
-54 11 22.9	3 25 41.2	CIRCLE ABOUT BO03
-54 11 18.8	3 24 46.5	CIRCLE ABOUT BO03
-54 11 16.2	3 23 51.6	CIRCLE ABOUT BO03
-54 11 15.0	3 22 56.5	CIRCLE ABOUT BO03
-54 11 14.9	3 22 52.8	POINT BO02
-54 11 13.4	3 22 5.4	POINT BO01
-54 11 12.6	3 21 10.3	CIRCLE ABOUT BO01
-54 11 13.2	3 20 15.2	CIRCLE ABOUT BO01
-54 11 15.3	3 19 20.2	CIRCLE ABOUT BO01
-54 11 18.9	3 18 25.3	CIRCLE ABOUT BO01
-54 11 23.9	3 17 30.9	CIRCLE ABOUT BO01
-54 11 30.3	3 16 36.8	CIRCLE ABOUT BO01
-54 11 38.1	3 15 43.3	CIRCLE ABOUT BO01
-54 11 47.3	3 14 50.4	CIRCLE ABOUT BO01

# BOUVET ISLAND

baseline and outer limit of  
the territorial sea (12 nautical miles)



2. Slovenia

(a) Ecological Protection Zone and Continental Shelf of the Republic of Slovenia Act, 22 October 2005<sup>1</sup>

Article 1

The Republic of Slovenia declares herewith the ecological protection zone and regulates the exercise of its sovereign rights in the continental shelf in compliance with international law, particularly the United Nations Convention on the Law of the Sea (Official Gazette SFRY - International Treaties, No. 1/86, Act Notifying Succession, Official Gazette RS - International Treaties No. 22-103/94, Agreement between the Government of the Socialist Federal Republic of Yugoslavia and the Government of the Italian Republic on the Delimitation of the Continental Shelf between the Two States of 8 January 1968 (Official Gazette SFRY - International Treaties No. 28/70, Note No. ZSD-JVE/46/03 of 24 July 2003 and Note No. 003889/205 of 22 December 2003), Treaty between the Socialist Federal Republic of Yugoslavia and the Italian Republic of 10 November 1975 with Annexes I to X (Official Gazette SFRY - International Treaties, No. 1/77, Act Notifying Succession, Official Gazette RS - International Treaties No. 11-60/92 and the Maritime Code (Official Gazette RS, No. 37/04 - consolidated text).

Article 2

- (1) The Republic of Slovenia has its own continental shelf.
- (2) In the continental shelf, the Republic of Slovenia exercises its sovereign rights in compliance with international law.
- (3) The continental shelf of the Republic of Slovenia shall comprise seabed and subsoil in underwater areas, extending beyond the territorial sea of the Republic of Slovenia to the borders in compliance with international law.

Article 3

- (1) The Republic of Slovenia declares the ecological protection zone in which it shall exercise its sovereign rights relating to research and sustainable use, preservation and management of marine wealth as well as its jurisdiction relating to scientific research and the preservation and protection of the marine environment in accordance with international law and obligations deriving from the European Union acquis.
- (2) The ecological protection zone shall encompass the area outside the territorial sea of the Republic of Slovenia.

Article 4

- (1) The provisional external border of the ecological protection zone of the Republic of Slovenia towards the Italian Republic shall follow the delimitation line on the continental shelf as defined by the Agreement between the Government of the Socialist Federal Republic of Yugoslavia and the Government of the Italian Republic on the Delimitation of the Continental Shelf between the Two States of 8 January 1968 and shall run along the delimitation line on the continental shelf to the south of T5 point as defined by the Treaty between the Socialist Federal Republic of Yugoslavia and the Italian Republic of 10 November 1975 with Annexes I to X .
- (2) The provisional external border of the ecological protection zone in the south shall run along the parallel 45 degrees and 10 minutes north latitude.

Article 5

- (1) The delimitation of the ecological protection zone shall be effected by agreement with the neighbouring states in compliance with international law.
- (2) The border of the continental shelf between the Republic of Slovenia and the Italian Republic shall be the same as defined in the Agreement between the Government of the Socialist Federal Republic of Yugoslavia and

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<sup>1</sup> Original: Slovenian. English translation provided by Slovenia. Texts transmitted through note verbale dated 21 February 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General of the United Nations. Published in the Slovenian Official Journal No. 93/05 dated 21 October 2005. Pursuant to article 9, the Act entered into force on 22 October 2005.

the Government of the Italian Republic on the Delimitation of the Continental Shelf between the Two States of 8 January 1968.

(3) The border of the continental shelf with the Republic of Croatia shall be defined by an international agreement between the two states.

Article 6

(1) The legal order of the Republic of Slovenia and the European Union acquis in the areas of the protection and preservation of the marine environment, including the archaeological heritage, and the provisions of Part XII of the UN Convention on the Law of the Sea shall apply to the ecological protection zone.

(2) The legal order of the Republic of Slovenia, the European Union acquis and international treaties shall also apply in the ecological protection zone to vessels sailing under a foreign flag and to foreigners, in the areas of:

Prevention of pollution of the marine environment, including pollution caused by maritime traffic and waste waters;

Pollution caused by the disposal of solid waste;

Pollution caused by researching or exploitation of the seabed; and

Protection and preservation of mammals and other animal and plant species aimed at preservation of the integrity of the marine ecosystem.

Article 7

Without prejudice to the sovereign rights of the Republic of Slovenia, other states shall enjoy rights and freedoms as guaranteed by international law in the area under this Act.

Article 8

More detailed exercise of individual sovereign rights and jurisdiction under this Act shall be regulated by implementing regulations.

Article 9

This Act shall take effect on the day following its publication in the Official Gazette of the Republic of Slovenia.

(b) Maritime Code (PZ), 2001<sup>1</sup>

Pursuant to the second indent of the first paragraph of article 107 and the first paragraph of article 91 of the Constitution of the Republic of Slovenia I hereby issue a

**DECREE**  
**promulgating the Maritime Code (PZ)**

I hereby promulgate the Maritime Code (PZ) adopted by the National Assembly of the Republic of Slovenia at its session of 23 March 2001.

No. 001-22-31/01  
Ljubljana, 2 April 2001

President of the Republic of Slovenia  
Milan Kučan,  
[signed]

**MARITIME CODE (PZ)**  
**PART ONE**

**Section I - GENERAL PROVISIONS**

Article 1

This Code shall regulate the Republic of Slovenia's maritime sovereignty, jurisdiction and supervision in respect of the safety of navigation in territorial seas and internal waters, protection of the sea from pollution from vessels, the legal rules in seaports, property law, contractual and other obligational relations pertaining to vessels, the registration of vessels, the limitation of a shipowner's liability, the general average, writs of execution and insurance on vessels, and the conflict of laws.

Article 2

The provisions of this Code (hereinafter: Act) shall apply to ships, boats and other vessels of Slovenian nationality, and to relations concerning navigation in the territorial sea and internal waters of the Republic of Slovenia, unless otherwise stipulated by this Act.

Article 3

Unless otherwise stipulated by this Act, terms shall be used with the following meanings:

1. A vessel shall be an object intended for sea navigation.
2. A floating object shall be an object which is permanently moored or anchored or laid on the seabed and which is not intended for navigation (floating hotels, restaurants, workshops, warehouses, pontoon bridges, floating platforms, bathing platforms, mooring and signalling buoys, clam fisheries and other sea exploitation facilities).
3. A ship shall be a seaworthy vessel, which is 24 metres long or more, excluding military vessels.
4. A merchant ship shall be a ship used for commercial purposes.
5. A passenger ship shall be a ship certified to transport more than 12 passengers.
6. A cargo ship shall be a ship for the transport of cargo.
7. A tanker shall be a ship for the transport of liquids and gases.
8. A fishing ship shall be a ship intended and equipped for the fishing or hunting of live creatures in the sea or on the seabed.

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<sup>1</sup> Original: Slovenian. English translation provided by Slovenia. Texts transmitted through notes verbales dated 24 and 27 February 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General of the United Nations. Parts V to XI of the Maritime Code will be published in subsequent issues of the *Law of the Sea Bulletin*.

9. A scientific research ship shall be a ship or other vessel equipped for scientific or other research or exploration of the sea, the sea bed or its underground areas.
10. A nuclear ship shall be a ship powered by nuclear energy or a ship with nuclear equipment.
11. A public ship shall be a ship owned or used by the State which is not a military vessel and which is used by the State or its bodies exclusively for non-commercial purposes.
12. A military vessel shall be any vessel belonging to the armed forces, under the command of a military officer, whose crew is military or under military discipline, and which carries the external identification marks of a military vessel.
13. A fleet of foreign military vessels shall comprise several foreign military vessels under the command of one military officer.
14. A ship under construction shall be a valid entity from the moment the keel is laid, or a similar construction procedure is carried out, until its registration in the register of ships.
15. A boat shall be a vessel less than 24 metres long.
16. A fishing boat shall be a boat intended and equipped for the fishing or hunting of live creatures in the sea or on the seabed.
17. An international voyage shall be a voyage from a Slovenian port to a foreign port, or vice versa.
18. A shipowner shall be a person who, in a bareboat charter, delivers possession of a ship; until proved otherwise, it shall be considered that a shipowner is the person who is entered in the register of ships as its owner.
19. The SDR (Special Drawing Right) shall be an accounting unit determined by the International Monetary Fund.
20. A passenger shall be any person on a ship or boat, excepting children who are less than one year old, persons employed on the ship in any capacity and family members of the crew.

## **Section II - SOVEREIGNTY OF THE REPUBLIC OF SLOVENIA**

### Article 4

The sovereignty of the Republic of Slovenia at sea shall extend over its dry-land area, its territorial sea and internal waters, the airspace above it, the seabed and underground marine areas.

The Republic of Slovenia shall ensure the protection of the coastal areas and the sea from pollution, provide for conservation, and promote improvements to the marine environment.

### Article 5

The internal waters of the Republic of Slovenia shall encompass all ports, bays and the anchorage of the Port of Koper, circumscribed by meridian 13° 39' east and latitude 45° 35,4' north.

### Article 6

Foreign merchant ships and foreign passenger ships may sail into the internal waters of the Republic of Slovenia in order to enter a port of the Republic of Slovenia open to international shipping trade. A foreign pleasure craft or boat may, in compliance with the regulations on sea navigation, sail into other ports as well.

A foreign merchant ship may sail the internal waters by the shortest usual route in order to sail in or out of a port, and to sail in between ports open to international shipping trade.

The minister responsible for maritime affairs (hereinafter: minister) shall determine alternative manners of navigation in Slovenian internal waters for the ships mentioned in the preceding paragraph, if so required in the interests of national defence or safety of navigation .

### Article 7

The carriage of goods and passengers from one Slovenian port to another (cabotage) shall be performed by a Slovenian person freely, while foreign persons shall do so on the condition of reciprocity.

#### Article 8

Foreign military vessels, foreign public ships, foreign nuclear ships, foreign fishing ships and foreign scientific research ships shall be banned from passing through the internal waters of the Republic of Slovenia.

Foreign military vessels, foreign public ships, foreign fishing ships and foreign scientific research ships may enter the internal waters of the Republic of Slovenia subject to a permit, acquired in advance, which shall be granted as follows:

1. To foreign military vessels - by the minister responsible for defence;
2. To foreign public ships and foreign scientific research ships - by the minister responsible for internal affairs;
3. To foreign fishing ships - by the minister responsible for fishing.

Foreign nuclear ships, foreign military vessels with nuclear weapons on board, and foreign military vessels whose visit places the safety of the Republic of Slovenia in danger may not be permitted to visit or stay in the internal waters of the Republic of Slovenia.

Foreign scientific research ships may enter the internal waters of the Republic of Slovenia in order to sail into a port in the Republic of Slovenia open to international shipping trade without the advance permit referred to in point 2 of the second paragraph of this article under the condition of reciprocity, or if they are scientific research ships sailing under the flag of an international organisation of which the Republic of Slovenia is a member.

#### Article 9

No more than three military vessels of the same nationality may sail into internal waters of the Republic of Slovenia at the same time.

A visit of a foreign military vessel in the internal waters of the Republic of Slovenia may not last longer than ten days.

The Slovenian port designated for visits of a foreign military vessel or a fleet of military vessels is the Port of Koper, which is open to international public traffic.

Irrespective of the first and second paragraphs of this article, the Government of the Republic of Slovenia (hereinafter: the Government) may, on a case-by-case basis, allow the visit of a foreign military vessel, even though conditions set out in the previous two paragraphs have not been met, if so required by the special interests of the Republic of Slovenia.

During a visit to the internal waters of the Republic of Slovenia, only the ship's crew and other persons for whom the minister responsible for foreign affairs has given consent may be on board a foreign military vessel.

#### Article 10

The Government of the Republic of Slovenia shall revoke the permit to stay in the internal waters of the Republic of Slovenia granted to a foreign military vessel or to a fleet of foreign military vessels if the actions of a ship, its boat, aircraft or crew, when on dry land, are not in compliance with the provisions of this Act or of other Acts and regulations of the Republic of Slovenia, as well as in other justified cases.

#### Article 11

A foreign ship which, for reasons of *force majeure* or distress at sea, has to take refuge in the internal waters of the Republic of Slovenia must immediately notify the Maritime Directorate of the Republic of Slovenia of the situation, which in turn has to notify the internal affairs authority responsible for border control.

#### Article 12

Slovenian and foreign individuals and legal entities may not conduct research into, study, take photographs of and measure the sea, the seabed or its underground areas, and perform other underwater activities in the internal waters and territorial sea of the Republic of Slovenia without an advance permit, which shall be granted by the minister in agreement with the minister responsible for internal affairs, if this is in the best interest of the Republic of Slovenia.



Persons mentioned in the first paragraph of this article must supply the data acquired in this way to the competent State bodies.

The Government of the Republic of Slovenia shall prescribe the conditions relating to the safety of people and vessels and the protection of the environment which must be taken into consideration when granting the permit referred to in the first paragraph of this article.

#### Article 13

The territorial sea of the Republic of Slovenia shall comprise the marine area extending from the baseline towards the open sea as far as its outer boundary permits under international law, or to the borderline determined in an international treaty.

The baseline shall be the hydrographic zero line running along the coast, or a straight line enclosing the entrance to a bay.

When defining the baseline of the territorial sea, the permanent port buildings that are part of the port system and jut out the furthest shall be considered to be part of the shore.

The outer boundary of the territorial sea shall be the national border of the Republic of Slovenia at sea.

The nautical chart of the Republic of Slovenia shall be issued by the minister in accordance with international hydrographic standards.

#### Article 14

Ships of all States enjoy the right of innocent passage through the territorial sea of the Republic of Slovenia under the conditions laid down by this Act and the regulations issued on the basis thereof.

The innocent passage of a ship shall mean navigation through the territorial sea of the Republic of Slovenia without entry into the internal waters, or navigation in order to enter such waters or exit them in the direction of the open sea, if this does not interfere with the order, peace or security of the Republic of Slovenia.

A foreign ship must make the innocent passage described in the second paragraph of this article without interruption or delay.

A foreign ship which uses the right of innocent passage may stop and anchor only due to the events required by regular navigation, because of *force majeure* or distress at sea, or in order to give assistance to people, ships and aircraft in danger or distress.

#### Article 15

The passage of a foreign ship through the territorial sea of the Republic of Slovenia shall not be considered to be innocent passage according to the preceding paragraph if the ship engages in any of the following activities:

1. Any threat or use of force against Slovenian sovereignty, territorial integrity or the legal system laid down by the Constitution of the Republic of Slovenia, or any other violation of the principles of international law;
2. Any exercise or practice involving weapons of any kind;
3. Any act aimed in collecting information to the prejudice of the defence or security of the Republic of Slovenia;
4. Any act of propaganda prejudicial to the defence or security of the Republic of Slovenia;
5. The launching, landing or taking on board of any aircraft;
6. The launching, landing or taking on board of any military device;
7. The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, sanitary or other laws or regulations of the Republic of Slovenia, or the regulations on the entry and stay of foreign individuals in the Republic of Slovenia;
8. Any act which pollutes the sea or the environment;
9. Any fishing or hunting of other live creatures in the sea;
10. The performance of research, studies or surveying activities;
11. Any act aimed at interfering with any communications system or any other facilities or equipment belonging to the Republic of Slovenia;
12. Any other activity not having a direct bearing on passage.

Article 16

When in the territorial sea of the Republic of Slovenia, a foreign ship must fly its national flag. In internal waters, the flag of the Republic of Slovenia must also be flown.

A foreign ship on lay up may stay in the internal waters or territorial sea of the Republic of Slovenia under the conditions prescribed by the Government of the Republic of Slovenia for each individual case on the basis of the condition of the ship, its position and time of stay.

Article 17

A foreign fishing ship passing through the territorial sea of the Republic of Slovenia shall be prohibited from fishing or hunting other marine organisms in the sea or on the seabed.

The foreign fishing ship referred to in the previous paragraph must bear the visible markings of a fishing ship and must navigate the territorial sea of the Republic of Slovenia by the shortest route at a speed not lower than the optimum speed, without any interruption or anchoring, unless this is necessitated by *force majeure* or distress at sea.

The first and second paragraphs of this article shall not apply to a fishing ship with a permit to fish in the territorial sea of the Republic of Slovenia, as long as this ship is in an area in which fishing is permitted.

The provisions of the preceding paragraphs shall also apply to foreign fishing boats.

Article 18

Foreign military vessels, foreign tankers, foreign nuclear-powered ships and other foreign ships carrying nuclear or other inherently dangerous or noxious substances or materials must, when exercising the right of innocent passage through the territorial sea of the Republic of Slovenia, confine their passage to the sea lanes designated and prescribed in a special regulation for such ships, or the traffic separation schemes in those areas in which such systems are in place and are prescribed, and must also fulfil the other conditions prescribed to ensure navigational safety, prevent collisions at sea and protect the marine environment from pollution.

The country of origin of a military vessel must, through diplomatic channels, inform the ministry responsible for foreign affairs of the harmless passage of its military vessel through the territorial sea of the Republic of Slovenia no less than 24 hours prior to sailing into the territorial sea of the Republic of Slovenia.

Article 19

In the territorial sea of the Republic of Slovenia, foreign submarine and other underwater vehicles are required to navigate on the surface and to show their national flag.

Article 20

The minister responsible for defence may, in agreement with the minister responsible for internal affairs and the minister, specify an area in the territorial sea of the Republic of Slovenia in which the innocent passage of foreign ships is temporarily suspended or restricted as an urgent security measure.

The official document on the boundaries of the area described in the first paragraph of this article shall be published with all necessary data in the notices to mariners issued by the maritime authority responsible for the Mediterranean.

Article 21

If a foreign military vessel or a foreign public ship does not comply with the provisions of articles 15 to 20 of this Act on innocent passage and disregards a request for compliance therewith which is made to it, the authorities in charge of border control shall ask that ship to leave the territorial sea of the Republic of Slovenia immediately.

Article 22

A foreign ship shall be pursued if the competent authority has reason to suspect that the ship, its boat or a boat that works in conjunction with the ship has violated this or other Slovenian laws and regulations.

A foreign ship may be pursued only if the ship, its boat or a boat that works in conjunction with the ship are situated in the internal waters or the territorial sea of the Republic of Slovenia and if it fails to stop when a visual or audio call to stop has been issued from within the distance allowing reception.

The hot pursuit of a foreign ship may be continued in compliance with the universally recognised rules of international law, unless these have been suspended, until the ship has entered the territorial sea of its own State or of a third State. It may be pursued only by ships and aircraft of the body authorised to supervise national borders. It shall not be necessary for the ship or aircraft that conducts the pursuit to be in the territorial sea of the Republic of Slovenia in order to commence pursuit.

A foreign ship stopped in hot pursuit shall be handed over to the competent authority of the nearest port of the Republic of Slovenia.

#### Article 23

Implementation of the provisions of this paragraph shall be supervised by the police.

## **PART TWO – SAFETY OF NAVIGATION**

### **Section I - COMMON PROVISIONS**

#### Article 24

Under this Act, safety of navigation shall be ensured by determining specific conditions which must be met by sea lanes in territorial sea and internal waters, by navigation safety facilities, ports, anchorages, ships and crew members, and the conditions which must be met by vessels and floating objects and their crew.

In order to ensure the safety of navigation, the Republic of Slovenia shall, in compliance with international conventions, provide hydrographic services in its territorial sea and internal waters.

#### Article 25

Persons carrying out public transport services, operating ports, or maintaining and marking sea lanes in the territorial sea and internal waters of the Republic of Slovenia shall have a duty to:

1. Organise monitoring of the implementation of tasks related to the safety of navigation;
2. Effect continual monitoring of the safety of navigation;
3. Manage the obligatory information of importance for the safety of navigation;
4. Manage documents and gather information on seafarers on board vessels, their experience, training, medical fitness and abilities to perform their assigned duties and work on ships.

#### Article 26

The Maritime Directorate of the Republic of Slovenia shall be responsible for:

- Individual tasks related to the development of the port infrastructure owned by the Republic of Slovenia;
- Supervising the safety of navigation, and the implementation of port regulations and of regulations concerning other parts of territorial sea and internal waters;
- Organising a radio watch service and a navigational monitoring and supervision service;
- Issuing licences for the operation of ports;
- Regulating maritime transport;
- Expert inspection of the regular maintenance of sea lanes, of navigation safety facilities, and of the regular collection of ship-generated waste;
- Issuing authorisations for the construction and renovation of facilities on shore or at sea in the context of the safety of navigation;
- Issuing permits for water-based events and other water-based activities within the port area;
- Issuing pilots' identity cards and keeping a register of pilots;
- Ordering mandatory pilotage and towage operations and determining the number of tug boats required for towing, fire fighting and salvage operations;
- Issuing trial navigation permits for ships;
- Establishing the seaworthiness of boats up to 12 metres in length;

- Establishing the ability of persons to handle a boat and issuing the corresponding documents, carrying out professional exams and issuing authorisations and seamen's' books;
- Issuing permits for permanent mooring, anchorage, or for laying a floating object on the sea bed, and issuing permits for salvaging objects that have sunk;
- Receiving birth and death records, and accepted depositions of last will and testament drawn up by shipmasters;
- Maintaining the register of ships and register of sea boats and certifying ships' logbooks;
- Issuing free pratique and issuing permits for the departure of ships;
- Collecting fees for the use of navigation safety facilities.

## **Section II – SEA LANES**

### Article 27

A sea lane in the territorial sea and internal waters of the Republic of Slovenia shall be a band in the sea which is deep enough and wide enough to provide safe navigation for ships and which is marked, if necessary, with navigation safety facilities.

Navigation safety facilities in sea lanes in the territorial sea and internal waters of the Republic of Slovenia include the following: lighthouses, coastal lights, buoys and other signalling devices, signal stations, radio stations, and visual, acoustic, electric, electronic, radar and other equipment for safe navigation at sea, in sea lanes and in ports.

A traffic separation scheme may be prescribed by the minister for locations where it is necessary for the safety of navigation because of heavy traffic or natural conditions. In such systems, traffic is separated by direction of navigation and the direction is indicated by signal buoys, radar beacons and other signalling devices. The symbol for a sea lane with traffic separation shall be included in nautical charts, and the scheme shall be described in manuals and instructions for seamen.

### Article 28

The navigability of sea lanes in the territorial sea and internal waters of the Republic of Slovenia must be maintained by installing navigation safety facilities and ensuring their proper functioning.

### Article 29

The investor, owner or user of installations or materials that create a permanent or temporary obstruction in a sea lane (bridges, cables, submerged objects, etc.) shall be obliged, within the time limit determined by the Maritime Directorate of the Republic of Slovenia, to set up and maintain lights and signals marking these obstructions.

If the person mentioned in the preceding paragraph does not set up the prescribed lights or other signalling devices, or does not maintain them in good condition, that person shall bear the costs when this is carried out, at the request of the Maritime Directorate of the Republic of Slovenia, by a body competent to maintain and mark sea lanes.

The persons mentioned in the first paragraph of this article must give immediate notice of an obstruction to the Maritime Directorate of the Republic of Slovenia, which shall in turn publish the details of the obstruction in the information to mariners issued by the maritime authority responsible for the Mediterranean.

### Article 30

Charges for the use of navigation safety facilities in sea lanes shall be paid by owners or users of vessels.

The charges mentioned in the preceding paragraph shall be paid to the Maritime Directorate of the Republic of Slovenia. Charges for the use of navigation safety facilities shall constitute national revenue.

The minister shall determine the amount of the charges for the use of navigation safety facilities, and the relevant payment conditions and methods.

### Article 31

Coastal radio stations shall provide radio services to ensure the safety of human lives and of sea navigation.

The Maritime Directorate of the Republic of Slovenia shall provide night-watch radio services, as well as services supporting and monitoring sea traffic in the territorial sea of the Republic of Slovenia.

Vessels which have a radio station shall be obliged to organise a watch service during navigation in accordance with the regulations governing radio traffic.

## **Section III- PORTS**

### **1. General**

#### Article 32

A port shall be the water and adjacent dry land which comprises the anchorage, the constructed or natural embankments, breakwaters, facilities and structures for mooring, anchoring and protecting ships, for ship building and maintenance, for passenger embarkation and disembarkation, for goods loading and unloading, for goods storage and other goods handling operations, for the manufacture, processing, inspection and post-processing of goods and for other goods handling activities related in commercial, transport or technological terms. The constructed embankments for the mooring of ships, embarkation and disembarkation of passengers and cargo shall constitute the operational area.

The constructed embankments, port water areas, breakwaters, pier access points, mooring facilities, access routes, railroad tracks, entrances, fences, sewage and water-supply networks, electrical installations, lighting installations, other facilities intended for navigational safety, safe mooring of vessels and the uninterrupted performance of port activities and other activities referred to in the first paragraph of this article, and telecommunications facilities shall constitute the port infrastructure.

Port infrastructure shall be the property of the Republic of Slovenia or of the local community or private-law entities. The Republic of Slovenia or local community shall transfer the administration, management and development of the port infrastructure to a port operator by granting a concession.

Access roads, railroad tracks, entrances, fences, the sewage and water-supply network, electrical installations, lighting installations and telecommunication installations in the area of the Koper cargo port are property contributed by the Republic of Slovenia to the share capital of *Luka Koper d.d.* (the Koper port company). *Luka Koper d.d.* must not alter the basic function of such facilities as part of the port infrastructure.

The port infrastructure shall be used for the purpose intended and cannot be included in bankruptcy assets.

#### Article 33

The policies of sustainable development of shipping and ensuring the safety of maritime transport shall be set out in the National Shipping Development Programme of the Republic of Slovenia adopted by the National Assembly of the Republic of Slovenia at the proposal of the Government.

#### Article 34

The development of port infrastructure shall be planned by the port operator in the form of a port development programme which must be in accordance with the national programme mentioned in the preceding article and for which the operator must first acquire the consent of the Government.

#### Article 35

Ports shall be as follows:

- Ports open to public traffic;
- Special-purpose ports;
- Naval ports.

The Government of the Republic of Slovenia shall determine the ports open to international public traffic and naval ports, and the conditions which they must meet.

The remaining ports shall be determined by the local community authorities on whose territory the ports are situated.

The authority which determines the type of a port may also decree that a part of the port shall be used for special purposes.

#### Article 36

A port open to public traffic shall be a port where the transport of goods and/or passengers and associated port activities takes place.

A port open to public traffic may be open to domestic or international transport, or both.

It shall be considered that ports open to international transport under this Act shall also be open to domestic transport.

#### Article 37

Special-purpose ports shall be as follows:

- Recreational ports;
- Tourist ports (marinas);
- Local ports;
- Other ports.

#### Article 38

A tourist port (marina) shall be a port open for the landing, storage, wintering of, and provision of supplies to, vessels intended for sport and recreation.

A recreational port shall be a port open for sports activities.

A local port shall be a port open for the mooring and storage of vessels, which is set up in the form of communal moorings, town ports, local ports and boat ports.

Other ports shall be ports used by commercial entities for their activities and not intended for public traffic.

#### Article 39

Ports may be open to public traffic or for special purposes, provided that the Maritime Directorate of the Republic of Slovenia has first established that the regulatory conditions on the safety of navigation in ports and safe mooring of vessels have been met.

When it has been established that the conditions referred to in the preceding paragraph have been met, the Maritime Directorate of the Republic of Slovenia shall issue a permit for opening the port to public traffic (operating licence).

The permit shall be issued following a written application from the investor or port operator.

The conditions for the safety of navigation in the port and safe mooring of vessels shall be laid down by the minister.

## **2. Port activities**

#### Article 40

Port activities shall include the loading and unloading of goods, the embarkation and disembarkation of passengers, the storage, sorting, refinement and after-treatment of goods, the provision of supplies to ships, means of transport, their crews and passengers, port pilotage and ship towage, and other commercial activities, including industrial manufacturing, which enable better and more economical use to be made of the port or its facilities and equipment.

#### Article 41

The port operator must organise the operation of the port in such a way as to guarantee safe navigation and the protection of the environment and waters, and shall perform the activities necessary for the smooth running of the port for the purpose intended (pilotage, towage of ships, provision of stevedoring services, etc.).

#### Article 42

The operator of a port open to public traffic must allow all persons to make use, under the same conditions, of its operational areas, breakwaters and other facilities in the port, depending on their purpose and within the limits of the capacity available, unless otherwise stipulated by this Act.

The operator of a port which is not open to public traffic but which does meet the conditions whereby vessels may seek refuge there in the event of a natural disaster must, in line with the conditions mentioned in the preceding paragraph, guarantee that the port may be used as a navigation safety facility for the duration of the natural disaster.

### **3. Commercial public services**

#### Article 43

The following services shall be carried out under the conditions pertaining to commercial public services in the area of maritime transport:

- The maintenance and development of the port infrastructure open to public traffic;
- The regular reception of ship-generated waste;
- The maintenance of sea lanes and navigation safety facilities.

The commercial public services referred to in the preceding paragraph shall be compulsory.

#### Article 44

The commercial public services in the area of maritime activities in the Koper cargo port shall comprise the following:

- The maintenance and development of the port infrastructure open to public traffic;
- The regular reception of ship-generated waste;
- The maintenance of sea lanes and navigation safety facilities.

Provision of the commercial public service referred to in this article shall be ensured by the Republic of Slovenia.

The Republic of Slovenia shall additionally ensure the provision of the commercial public service of regular maintenance of navigation safety facilities and sea lanes in other ports open to public traffic, local ports, naval ports and the area outside these ports, except in the ports referred to in the second paragraph of article 41 of this Act.

#### Article 45

Local communities, on whose territory ports are situated, except for ports referred to in the preceding article of this Act, shall provide a commercial public service in the area of maritime activities in respect of the following services:

- Maintenance and development of port infrastructure open to public traffic;
- Regular reception of ship-generated waste.

Local communities shall also ensure the provision of the commercial public service in the area of regular maintenance of navigation safety facilities and sea lanes in marinas and recreational ports.

#### Article 46

The provider of the commercial public service in the area of maritime activities shall:

- By means of regular maintenance of port infrastructure ensure that the condition of that infrastructure is such that it is fully fit for its purpose;
- Provide for the daily reception of ship-generated waste;
- Maintain the navigation safety facilities and sea lanes in a condition such that they are fully fit to ensure their intended function.

Article 47

The commercial public service in the area of maritime activities shall be provided by:

- Private-law entities that have been granted concessions;
- Public companies;
- Administrative units.

The official rules on the provision of the commercial public service shall be adopted by the Government in respect of the services to be provided by the Republic of Slovenia and by the competent local community authorities in respect of the services provided by the local community.

**4. Financing the commercial public service**

Article 48

The commercial public services referred to in article 43 of this Act shall be financed from the following sources:

- Fees for the use of the port;
- Demurrage fees;
- Mooring fees;
- Fees for the reception of ship-generated waste;
- The budget.

Port fees and prices for the services referred to in the previous paragraph shall be paid to the commercial public service provider who will record them as part of the income from providing the commercial public service in the area of maritime transport and/or port services.

Commercial public service providers must keep separate accounting records for expenditure and for the revenue referred to in the first paragraph of this article.

The difference between the expenditure associated with provision of the commercial public service and revenue from fees shall be paid into the budget.

Article 49

For the use of ports open to international public traffic and the payment of port fees, foreign ships shall be equal to Slovenian ships subject to reciprocal agreements.

Article 50

Vessels shall pay port user fees for the embarkation and disembarkation of passengers and cargo, i.e. per passenger embarked or disembarked and/or a fixed sum either per ton of cargo loaded or unloaded or depending on the size of the vessel (length and/or capacity of the vessel).

Persons using the port in order to carry out commercial activities shall also pay port user fees.

Article 51

Vessels shall pay berthing fees for using the shore or port water area for purposes other than the embarkation or disembarkation of passengers and cargo.

When a ship uses only the port water area, it shall pay a reduced berthing fee.

Article 52

The mooring fee shall be paid by vessels whether they use the berth permanently or temporarily.

Article 53

Slovenian and foreign military vessels, ships carrying heads of State and ships or boats used on administrative business will not be obliged to pay port fees.



Article 54

Port fees shall not be paid by ships docking in the port in order to rescue shipwrecked persons or because of the death or illness of persons on board or in order to get medical help for persons on board, but only for the time needed for the necessary acts to be completed.

Article 55

The port fees may be determined in the form of an agreement on a flat-rate basis (monthly, yearly), depending on the nature of the service.

Article 56

The port fees must be published.

The minister shall give consent regarding port fees prior to their publication.

Where this Act stipulates that a vessel, ship or boat is liable for payment, the shipowner or owner or user of the boat shall be considered the person liable.

**Section IV - PORT REGULATIONS AND REGULATIONS  
CONCERNING OTHER PARTS OF THE TERRITORIAL SEA**

Article 57

The Maritime Directorate of the Republic of Slovenia shall supervise the maintenance of order in ports and other parts of the territorial sea and internal waters, the safety of navigation, the operation of sea transport, and the maintenance of navigation safety facilities and sea lanes.

Port inspectors within the Maritime Directorate of the Republic of Slovenia shall be authorised to perform the supervision mentioned in the previous paragraph.

Individuals who have completed their secondary education in a vocational maritime school with a specialisation in transport, who have passed the professional examination to qualify as officers, who are qualified to take charge of navigational watch on ships of 500 tonnes or more and who have passed the examination in general administrative procedure may serve as port inspectors.

Port inspectors shall have a prescribed uniform and an official identity card issued by the Maritime Directorate of the Republic of Slovenia. The manner and conditions for wearing the uniform and official insignia and carrying the identity card form shall be prescribed by the minister.

The minister shall prescribe the conditions for ensuring transport safety and maintaining order in ports and other parts of the territorial sea and internal waters within the territory of the Republic of Slovenia.

The ministry responsible for defence shall ensure supervision of the maintenance of order in naval ports.

Article 58

The supervision of the safety of navigation carried out by the port inspectors of the Maritime Directorate of the Republic of Slovenia shall comprise supervision of the following:

1. Boat crew members;
2. The carriage of passengers and cargo by boat;
3. The implementation of the rules of navigation for boats;
4. The seaworthiness of boats.

Port inspectors shall have the right to demand and receive access to documents regarding the boat and the documents of persons operating a boat.

Port inspectors may impose fines on persons caught violating articles 983, 984, 985, 986, 987 and 989 of this Act.

Port inspectors may propose that proceedings be instigated against persons violating points 3 and 5 of the first and third paragraphs of article 976, points 7, 9 and 11 of the first paragraph in conjunction with the second and third paragraphs of article 978 and article 988 of this Act.

Port inspectors shall inform the maritime inspectorate if they discover irregularities as referred to in article 182 of this Act, except for those mentioned in the first paragraph of this article.

Article 59

Port inspectors who establish that a person operating a boat is not qualified shall prohibit said person from continuing to operate the boat.

Article 60

Port inspectors ascertaining that the number of persons or quantity of cargo on board exceeds that permitted shall prohibit the boat from leaving the port or shall direct it, if at sea, to the nearest port until the irregularity is remedied.

Article 61

If, during supervision of sea transport, port inspectors who establish that a boat operator is failing to observe the rules of navigation, as set out by the Regulations for Preventing Collisions at Sea or other regulations on the safety of navigation, shall prohibit the irregular manner of navigation.

Article 62

Port inspectors who establish, during supervision, that a boat fails to meet the conditions regarding seaworthiness shall order that the irregularities be remedied within a specified period. If the nature of deficiencies is such as to endanger the boat's safety, persons on board and other persons in sea traffic, the inspector shall prohibit further navigation.

Article 63

Port inspectors who determine, during supervision, that a person operating a boat does not have the necessary certificate of competence to operate a boat or is under the influence of alcohol, drugs, psychoactive medicines or other psychoactive substances diminishing his ability to navigate or is in a psychophysical state such as to endanger navigational safety, shall prohibit that person from continuing to operate the boat.

Persons operating a boat shall be considered to be under the influence of alcohol if they have 0.5 grams of alcohol per kilogram of blood in their body unless, at lower concentrations of alcohol, they display signs of behavioural disorder which would entail unreliable operation in sea traffic.

The blood alcohol level shall be determined using equipment for the determination of alcohol content. The costs for the breath test shall be borne by the person operating a boat and/or person tested if they are found to have a higher concentration of alcohol in the body than permitted by this Act; otherwise the costs shall be borne by the authority which ordered the test.

A test report shall be drawn up and signed by the person in respect of whom the test was ordered. If the person declines to sign, the reason for declining shall be entered into the report and an expert examination ordered.

A person in respect of whom an alcohol test using equipment or an expert examination has been ordered must follow the orders of the supervisor. If the person refuses to be tested, or if the test is not carried out according to instructions of the manufacturer of the equipment, the port inspector shall enter this in the report and shall prohibit the person from operating the boat further.

If the person disputes the results of the test, an expert examination shall be ordered. The costs of transporting the person to the place where an expert examination is carried out and the costs of the test shall be paid by the person in respect of whom the test has been ordered if it is found that they have a concentration of alcohol in the body higher than that permitted by this Act; otherwise the costs of transport, examination and analysis shall be borne by the authority that ordered the test.

Port inspectors who suspect that a person is under the influence of alcohol, drugs, psychoactive medicines or other psychoactive substances diminishing his abilities to operate a boat shall order a test by means of equipment or an expert examination and prohibit further operation of the boat. The costs of transport to the place where the test or expert examination is carried out and the costs of the test shall be paid by the person on whom the test or

examination is carried out if it is found that said person is under the influence of drugs, psychoactive medicines or other psychoactive substances.

The contents of the alcohol test report shall be prescribed by the minister in agreement with the minister responsible for internal affairs.

#### Article 64

An authorisation issued by the Maritime Directorate of the Republic of Slovenia regarding conditions for the safety of navigation shall be necessary for the construction or renovation of port infrastructure facilities or facilities which may affect navigational safety inshore or at sea.

During the construction work, contractors carrying out construction or other work shall be obliged to report every three months to the Maritime Directorate of the Republic of Slovenia regarding any changes in the outline of the shore or depth of the sea.

#### Article 65

Ships entering the port from abroad must report their arrival and present the following documents to the Maritime Directorate of the Republic of Slovenia: a general declaration, a health declaration, a crew list and a passenger list.

A ship coming from abroad is not allowed to conduct traffic with other ships, bodies and persons on shore until it obtains free pratique from the Maritime Directorate of the Republic of Slovenia.

When a ship bound for a destination abroad leaves the port, it must notify its departure at least one hour prior to sailing out and deliver a crew list and a passenger list, covering only persons who have embarked on or disembarked from the ship while the ship was in port, to the Maritime Directorate of the Republic of Slovenia.

A ship on a short international trip must deliver a passenger list to the Maritime Directorate of the Republic of Slovenia.

Slovenian or foreign ships transporting dangerous goods must, prior to their arrival in port, deliver a dangerous goods declaration to the Maritime Directorate of the Republic of Slovenia.

#### Article 66

A shipmaster of a Slovenian ship must, immediately upon arrival of the ship from another Slovenian port, notify his arrival to the Maritime Directorate of the Republic of Slovenia and also his departure from the port for another Slovenian port.

A passenger ship on a regular line or cruise in the territorial sea and internal waters of the Republic of Slovenia shall report its departure only in the port where the regular route or cruise begins and shall report its arrival only in the port where the regular route or cruise ends.

#### Article 67

A ship carrying more than 2 000 tonnes of oil which does not have a certificate of insurance or other financial security in respect of civil liability for oil pollution damage in accordance with this Act, shall not be allowed to enter a port or leave a port in the Republic of Slovenia and to load or unload oil in a port.

The shipowner or agent representing the owner shall be obliged to submit the certificate referred to in the previous paragraph to the Maritime Directorate of the Republic of Slovenia prior to arrival in the port.

#### Article 68

If there is a fire or other accident in the port or at sea that could endanger human lives or vessels, the vessels specified below must, upon the order of the Maritime Directorate of the Republic of Slovenia, immediately head for the location of the fire and/or accident:

1. The closest or other vessel – to save the endangered human lives;
2. A Slovenian vessel – to save another Slovenian vessel or objects on the vessel which are the property of Slovenian persons, or to protect the environment.

Article 69

Any action in port or territorial sea and internal waters which might endanger the safety of people or vessels, pollute the sea or damage the shore or navigation safety facilities and installations, or any action violating the regulations on order in ports and in other parts of the territorial sea and/or internal waters is prohibited.

Article 70

The Maritime Directorate of the Republic of Slovenia may determine urgent safety measures and the manner of loading and unloading dangerous goods from or onto a ship, while respecting the conditions that apply to the carriage of dangerous goods.

The Maritime Directorate of the Republic of Slovenia may prohibit a ship from sailing into a port, or postpone its entry, or may prohibit further handling of dangerous goods on a ship if prescribed safety measures have not been implemented in full or in the case of an accident risk.

Article 71

A company that carries out the embarkation, transshipment or disembarkation of oils or other liquid chemicals must implement the safety measures necessary to prevent pollution of the sea or the spread of spilt liquids into the sea.

The minister shall issue a regulation on the safety measures mentioned in the previous paragraph. The regulation must be issued with the agreement of the minister responsible for the environment.

Article 72

Ships may dispose of waste oils and other waste materials in ports only at the locations specifically intended for this purpose.

While in port, ships must deliver their waste to a person in charge of reception of waste from ships.

Article 73

The cleaning of ships with hazardous gases (degasification, fumigation, etc.) or pest control on ships may be carried out only with preliminary approval from the Maritime Directorate of the Republic of Slovenia, at special locations designated for this purpose, within the specified time limits, and in the prescribed manner.

Article 74

Vessels and floating objects may not obstruct public traffic in the port.

Vessels without a permit granted by the Maritime Directorate of the Republic of Slovenia shall be banned from navigation within the port area open to international transport.

Aquatic events and other water-based activities in the area of a port may take place only with the permission of the Maritime Directorate of the Republic of Slovenia and with the agreement of the port manager. In other parts of the territorial sea and internal waters, permission shall be required from the Maritime Directorate of the Republic of Slovenia only.

Swimming and fishing shall not be permitted in port.

Article 75

Any damaged, stranded or submerged vessel or floating object which obstructs or endangers navigational safety, or which presents a pollution risk, must be removed on the orders of the Maritime Directorate of the Republic of Slovenia or the maritime inspector.

Article 76

Objects or substances which may obstruct or endanger navigational safety or pollute the sea or shore must not be thrown or discharged into sea lanes.

#### Article 77

Ships, boats or other vessels sailing in coastal waters, with the exception of rowing boats, must sail at the following minimum distances from the shore:

1. 300 metres for ships,
2. 250 metres for speed boats,
3. 200 metres for all other vessels.

In areas where there are sea bathing facilities, vessels must not sail within 50 metres of the outer edge of the bathing area and always at least at the distance specified in the previous paragraph.

### **Section V – SEA PILOTAGE AND THE COMPULSORY TOWAGE OF VESSELS**

#### **1. Pilotage**

##### Article 78

Under this Act, sea pilotage shall be the act whereby a professional person (pilot) gives instructions to a shipmaster on the steering of the ship in order to ensure safe navigation in ports and in other areas of the territorial sea and internal waters.

Pilotage shall be provided to every ship under identical conditions.

##### Article 79

Pilotage shall be performed by pilots.

Pilots must possess specific professional qualifications, must have a prescribed number of years' experience in navigation and must have passed the professional pilots examination.

In order to be able to conduct pilotage in a specific area, a pilot must hold a pilot's identity card, issued by the Maritime Directorate of the Republic of Slovenia, and be entered in the register of pilots.

The programme for professional training, the professional qualification examinations, and the conditions and manner of conducting sea pilotage shall be prescribed by the minister.

##### Article 80

Sea pilotage shall be divided into coastal and port pilotage.

Coastal pilotage shall entail directing of the movements of a ship in parts of the territorial sea outside the scope of port pilotage.

Port pilotage shall entail directing of the movements of a ship within port areas.

##### Article 81

For reasons of safety of navigation, compulsory pilotage shall be decreed for certain types and sizes of ships, or for the type or nature of the goods carried, or for specific areas.

Compulsory pilotage, its limits, and the manner, location and time of embarkation and disembarkation by the pilot shall be prescribed by the minister.

Pilotage shall not be compulsory for ships used for administrative purposes and for Slovenian military vessels.

Pilotage shall not be compulsory for ships under 500 tonnes (gross) or for passenger ships and ferries on regular routes, unless otherwise stipulated by the Maritime Directorate of the Republic of Slovenia.

##### Article 82

Pilotage shall begin and end at the borders of the pilotage area.

If a piloted ship has to moor or anchor, pilotage shall end when the ship is moored or anchored.

Article 83

The pilot must perform his work with due care and attention, to professional standards.

Article 84

The pilot must, in compliance with the instructions given by the Maritime Directorate of the Republic of Slovenia, duly report to the Directorate on the pilotage he has performed.

The pilot must refuse to pilot a ship if its draft is unsuitable for the depth of the route to the location determined for mooring or anchoring, or if the ship is not seaworthy, or if the ship does not have permission to enter or leave, and must duly report such cases to the Maritime Directorate of the Republic of Slovenia.

Article 85

During compulsory pilotage, the pilot may not abandon his duty and leave the ship, whether or not the shipmaster accepts his professional advice.

If pilotage is not compulsory, the pilot must terminate pilotage at the request of the shipmaster.

Article 86

Pilotage of a ship shall not release the shipmaster from command of the navigation and manoeuvring of the ship, and from the ensuing liability.

The shipowner of a piloted ship shall be liable for the actions and omissions of the pilot in the same way as for the actions and omissions of crew members of the ship.

Article 87

The person conducting pilotage shall be liable for damages caused to the shipowner by the pilot up to the amount of SDR 6 666.

Any contractual provision limiting the liability of the person conducting pilotage to an amount lower than the amount mentioned in the preceding paragraph shall be void.

The limit specified in this article may be disregarded if the damage was caused intentionally.

**2. Compulsory towage**

Article 88

The Maritime Directorate of the Republic of Slovenia may decree cases where towage of a vessel is compulsory for reasons of safe navigation safety.

Article 89

The necessary number of tug boats, as determined by the Maritime Directorate of the Republic of Slovenia, must be in a permanent state of readiness to carry out towing, fire fighting and salvage operations.

Tug boats must be equipped for fire-fighting on board ships or in facilities on shore.

**3. Supervision of pilotage and towage of vessels**

Article 90

The pilotage and towage of vessels shall be supervised by the maritime inspectors with the ministry responsible for maritime affairs.

Pilotage and towage of vessels in and between ports in the Republic of Slovenia may be performed by foreign persons subject to reciprocal agreements.

## Section VI – SHIPS

### 1. Establishing the seaworthiness of a ship

#### Article 91

A ship shall be deemed to be seaworthy within the specified bounds of navigation and for a specific purpose:

1. if the construction of the ship, its sailing characteristics and the machines, devices and equipment for the preservation of navigational safety, in terms of their technical properties, quantity, type and distribution on board the ship, meet the technical standards set by a classification society and the provisions of international conventions which are binding on the Republic of Slovenia (hereinafter: technical standards) with regard to the following:
  - a) The space reserved for people on board the ship and the safety of human life at sea;
  - b) The safety of crew members at work and of other persons who work on the ship;
  - c) The safety of the ship;
  - d) The safety of the cargo on board the ship;
  - e) Protection of the sea against pollution from ships.
2. If a ship has the requisite number of professionally qualified crew members;
3. If the space reserved for passengers and the number of passengers on board are in compliance with the conditions prescribed for the carriage of passengers;
4. If the cargo on board the ship is loaded in accordance with the load-line or freeboard and is correctly distributed.

A ship which is seaworthy within the specified bounds of navigation and for a specific purpose shall be issued with a corresponding certificate by the classification society.

#### Article 92

The seaworthiness of a ship in accordance with point 1 of article 91 shall also be determined by technical inspection performed by classification societies that are full members of the International Association of Classification Societies (IACS).

The minister shall authorise a classification society to carry out the technical inspections on the seaworthiness of a ship pursuant to point 1 of article 91 of this Act after selection following a tender procedure.

A ship's seaworthiness in line with the previous article of this Act shall be established by means of an inspection conducted by the maritime inspectors of the ministry responsible for maritime affairs.

#### Article 93

The technical inspection of a ship conducted by a classification society shall cover:

1. certifying the technical documentation used to build or convert the ship, and the technical documentation used to manufacture the materials, machines, devices and equipment used to build, convert or repair the ship;
2. inspecting construction or conversion operations during the construction or conversion of a ship; inspecting the manufacture of such materials, machines, devices and equipment mentioned in point 1 of this article as require a certificate to be issued; and inspecting the manufacture, fitting and installation of machines, devices and equipment on the ship;
3. inspecting existing ships, including inspecting repair and renovation work on any parts of the ship found during inspection to require repair or renovation.

#### Article 94

The types of technical inspection of ships shall be: basic, regular or extraordinary.

Classification societies shall be obliged to conduct inspections pursuant to this article in accordance with classification society rules. The classification society shall issue a conformity certificate after inspection of the ship.

The repair of shortcomings established during an inspection as per the first paragraph of this article shall be verified by a surveyor from an authorised classification society.

Article 95

A ship must undergo a compulsory basic inspection:

1. Prior to its being entered in the register of ships, if the construction or conversion of the ship was not supervised by a classification society which is a member of the International Association of Classification Societies;
2. Each time the ship permanently alters its purpose or expands its limits of navigation, prior to entry into service;
3. Each time the ship is converted in a manner whereby its construction and the properties of its engine are changed, prior to entry into service.

Article 96

Regular inspections shall be carried out at specified intervals to ascertain that the condition of the ship corresponds to the technical standards of the classification society.

Article 97

An extraordinary inspection of a ship shall be carried out:

1. After damage to the ship if this affects the seaworthiness of the ship;
2. After any major repairs or renovation of the ship excluding those required as a result of a basic or regular inspection;
3. If the ship has been on lay-up for more than one year;
4. In the event of a temporary change to its purpose or expansion of its limits of navigation;
5. When regular inspections have been postponed for more than three months.

Article 98

An inspection of the seaworthiness of a ship for trial navigation shall be established prior to departure for trial voyage.

The inspection of a ship under the previous article shall be performed by a classification society.

If a classification society finds a ship seaworthy to conduct a trial voyage, it shall issue a corresponding certificate of seaworthiness for a trial voyage.

On the basis of the certificate of seaworthiness for a trial voyage, the Maritime Directorate of the Republic of Slovenia shall issue a trial voyage permit.

Article 99

Following the inspection of building or conversion work, or following any inspection of the ship, the ship's hull, engines, devices and equipment regulated by the technical standards may not be modified or converted without advance approval from the classification society.

Article 100

A ship to which the provisions of the International Convention on Safety of Life at Sea (SOLAS), the International Load-Line Convention or the International Convention on the Prevention of Pollution from Ships apply even if the ship does not meet individual requirements on international voyages, in the cases and under the conditions determined by the cited conventions, may be exempted by a classification society from those provisions if it is established through inspection that the ship is fit for international voyages or for specific international voyages.

In compliance with the provisions of the cited conventions, a ship which does not normally carry out international voyages and to which the International Convention on Safety of Life at Sea, the International Load-Line Convention and the International Convention on the Prevention of Pollution from Ships would apply if it carried out such voyages regularly, which, due to extraordinary circumstances, is required to make a single international voyage may be exempted by a classification society from any of the prescribed provisions if it has been established through inspection that the ship is seaworthy.



A ship to which the International Convention on Safety of Life at Sea, the International Load-Line Convention or the International Convention on the Prevention of Pollution from Ships apply, and which represents a new type of ship, may be permitted by classification societies to undertake one or several international voyages as trials, without implementing the provisions of the cited conventions, if it has been established through inspection that the ship is seaworthy.

#### Article 101

A classification society may establish that a ship is seaworthy within specific narrower limits, if it has been established through inspection that the ship is not seaworthy within the limits it formerly had the right to sail within but is capable of sailing within these narrower limits.

The classification society may also establish that the ship shall be seaworthy for one or more specific voyages which exceed the limits it ordinarily has the right to sail within, if it has been established through inspection that the ship is seaworthy to perform such voyages.

A condition may be laid down for navigation within the narrower or broader limits referred to in the first or second paragraphs of this article to the effect that the ship must take on board fewer passengers or load less cargo than the permitted number of passengers or the permitted amount of cargo, as well as other conditions to ensure its navigation is safe.

#### Article 102

A classification society may establish that a ship which is not a passenger ship is capable of carrying passengers on one or several voyages or for a specified period of time within the territorial sea and internal waters of the Republic of Slovenia if its seaworthiness has been established under this Act and if it has been established through inspection that the ship meets the conditions for such carriage of passengers.

#### Article 103

A classification society may exempt a ship to which the provisions of the International Convention on Safety of Life at Sea or the International Load-Line Convention do not apply, but which represents a new type of ship, from individual requirements of the technical standards, or may allow it to perform certain voyages as trial voyages even though the ship does not meet the individual requirements under the technical standards, if it has been established through inspection that the ship is seaworthy for trials.

#### Article 104

A ship may carry only the specified number of passengers.

The specified number of passengers and the space for the passengers on board the ship shall be determined by the technical standards taking into account the prescribed conditions, the navigational characteristics of the ship, the surface area accessible to passengers, the devices and equipment for passengers, and the hygiene conditions.

#### Article 105

The ship's cargo must be distributed in such a manner as to guarantee its navigational characteristics without overloading the structural elements of the ship in different circumstances.

The ship's cargo must be loaded within the permitted lading limits and, in compliance with technical standards, stacked, distributed and secured in such manner that it cannot under any of the potential circumstances which may arise during navigation shift to such a degree as to endanger the safety of the ship, people, cargo or environment.

The maximum permitted lading limit of a ship and the distribution of the cargo shall be determined by the technical standards.

## **2. Measurements of a ship**

#### Article 106

The measurements of a ship shall be taken by establishing the gross and net tonnage.

Article 107

Ships shall be measured by a classification society.

The technical standards of the classification society shall apply to the measuring of ships and boats. After taking measurements, the society shall issue a tonnage certificate.

Article 108

Under the provisions of this Act, measuring shall be compulsory for Slovenian ships and for foreign ships which must pay a fee in Slovenian ports on the basis of registered tonnage or the maximum permitted displacement of the ship where the ship does not have a tonnage certificate or a tonnage certificate recognised in the Republic of Slovenia.

A foreign tonnage certificate for a foreign ship shall be recognised in the Republic of Slovenia provided that the ship was measured according to the measuring system which does not differ substantially from the measuring system valid in the Republic of Slovenia.

Article 109

The measuring of a ship built by a Slovenian shipyard for a foreign client must be carried out according to the technical standards of classification societies.

Article 110

If a Slovenian ship is built or purchased abroad, or converted abroad in such a manner that under the provisions of this Act it has to be measured again, it may, if necessary, be measured in the country of its purchase or conversion.

Article 111

The measuring of a Slovenian ship built abroad for a Slovenian client or purchased or converted abroad, or of a foreign ship which must be measured in accordance with this Act, shall be performed immediately upon the arrival of said ship at the first Slovenian port.

Article 112

The request to measure a Slovenian ship must be made by the shipowner.

The request to measure a Slovenian ship built by a Slovenian or foreign shipyard must be made immediately after the ship's hull, decks and bulkheads have been fitted.

Article 113

A Slovenian ship shall be re-measured in the following cases:

1. If, after measuring, any modifications were made which could have altered its gross or net tonnage;
2. If there is doubt as to the accuracy of the measurements taken of seagoing ships.

When a repeat measurement as per point 1 of the preceding paragraph is carried out, the decision on whether the measurements has to be repeated in part or in full shall be made by a classification society on the basis of the modifications made to the ship.

In the cases mentioned in point 1 of the first paragraph of this article, the repeat measurement must be requested before the changes on the ship are completed.

Repeat measurements as per point 1 of the first paragraph of this article must also be requested, before the modifications are completed, for foreign ship which must, under the provisions of the Act, be measured in the Republic of Slovenia, if the conversion is carried out by a Slovenian shipyard.

The repeat measurement of a ship in the cases described in points 1 and 2 of the first paragraph of this article shall be requested by the persons mentioned in the first paragraph of the preceding article. The repeat measurement described in point 2 of the first paragraph of this article may also be requested by the person or concessionaire authorised to charge fees on the basis of the registered tonnage, in addition to the persons mentioned in the first paragraph of the preceding article.

The persons who took the original measurements about whose accuracy there were doubts shall not be permitted to carry out the repeat measurements referred to in point 2 of the first paragraph of this article.

### **3. Ships' documents and books**

#### ***a) Common provisions***

##### Article 114

A ship must be in possession of all the documents and books stipulated by this Act and by international conventions binding on the Republic of Slovenia.

A ship must have the following documents: certificate of origin, proof of seaworthiness and proof of other characteristics of the ship.

The books to be kept by ships shall be the records of important events and actions performed on board the ship.

##### Article 115

The books and documents a ship must have and which are prescribed by this Act must be written in Slovene, whereas the international load line certificate, the international certificate of exemption from load-line provisions, the certificate of seaworthiness, the certificate of fitness to carry bulk cargo, the international tonnage certificate and the certificate of insurance or other financial guarantees and pecuniary liability for damage caused by oil spillages, the oil pollution prevention certificate, and the oil record book shall also be written in English.

Ships' certificates of seaworthiness, certificates on exemptions from individual provisions of international conventions as mentioned in article 100 of this Act ("exemption certificates"), provisional seaworthiness certificates, seaworthiness certificates for trial voyages, the tonnage certificate, the cargo gear register, the stability manual, the certificate of fitness to load refrigerated cargo, the certificate of fitness to load dangerous goods, and the inspection and supervision log book must also be written in English.

If the ship carries out international voyages, all the certificates mentioned in the first and second paragraphs of this article and article 121 of this Act must also be written in English.

##### Article 116

The documents and books prescribed by this Act must be kept on board the ship.

The documents and books must be shown to the maritime inspectors of the ministry responsible for maritime affairs and of the diplomatic and consular representations of the Republic of Slovenia upon request.

A copy of the certificate of insurance, or some other financial guarantee, in respect of liability for damage caused by oil spillages must be kept in the register of ships.

##### Article 117

The documents of foreign ships issued under the laws of the flag State shall, as a rule, be recognised on a reciprocal basis.

#### ***b) Ships' documents and books***

##### Article 118

A merchant or public ship entered in the register of ships shall be issued with a certificate of registry.

The certificate of registry shall serve as evidence of the ship's Slovenian nationality and shall state that the ship has the right and duty to fly the flag of the merchant marine of the Republic of Slovenia and shares its purpose and limits of navigation.

The certificate of registry shall contain all the entries from the section of the main book of the register of ships in which the ship is entered.

If the information regarding the ship's registered rights contained in the certificate of registry does not correspond to that in the register of ships, the information recorded in the register of ships shall take precedence. The certificate of registry shall be issued by the body responsible for the register of ships.

#### Article 119

The registrar shall be obliged *ex officio* to include all the entries referred to in the preceding paragraph in the ship's certificate of registry.

When abroad, a ship must request a diplomatic or consular representative of the Republic of Slovenia to make entries in the certificate of registry.

If a ship changes its name, its port of registration, its tonnage or its call sign, the certificate of registry must also be changed.

#### Article 120

Ships undertaking international voyages and other ships with registered crew must have a crew list.

A crew list shall serve to establish who is registered on board a ship as a crew member, in what capacity and with what qualifications.

The arrival and departure of a ship to and from a port shall be certified on the crew list.

#### Article 121

A ship which has been established as seaworthy shall be issued with the following certificates:

1. A passenger ship safety certificate issued to a passenger ship to which the International Convention on Safety of Life at Sea applies;
2. A cargo ship safety construction certificate issued to a cargo ship of 500 tonnes or more to which the International Convention on Safety of Life at Sea applies;
3. A cargo ship safety equipment certificate issued to a cargo ship of 500 tonnes or more to which the International Convention on Safety of Life at Sea applies;
4. A cargo ship safety radio certificate issued to a cargo ship of 300 tonnes or more to which the International Convention on Safety of Life at Sea applies and which makes international voyages in sea transport;
5. An international load line certificate issued to a passenger or cargo ship which is 24 metres long or more and whose keel was laid on or after 25 January 1960, or a passenger or cargo ship with a gross tonnage of 150 tonnes or more whose keel was laid before 25 January 1969;
6. A certificate of seaworthiness issued to a passenger or cargo ship which does not make international maritime voyages or to a ship which does make such voyages but to which the International Convention on Safety of Life at Sea does not apply;

The passenger ship safety certificates, cargo ship safety equipment certificates, cargo ship safety radio certificates, and seaworthiness certificates must include the appropriate supplements.

#### Article 122

A certificate of exemption shall be issued to a ship to which the International Convention on Safety of Life at Sea and/or the International Load Line Convention applies in the following cases:

1. For a ship which has been recognised as capable of conducting international voyages or specific international voyages when exempted from fulfilling individual provisions of a particular convention in accordance with the first paragraph of article 100 of this Act;
2. For a ship which has been recognised as capable of conducting a specific international voyage when exempted from fulfilling the individual provisions of a particular convention in accordance with the second paragraph of article 100 of this Act.

#### Article 123

A ship to which the International Convention on Safety of Life at Sea and/or the International Load Line Convention do not apply must have a provisional certificate of seaworthiness if the limits of navigation within which it has formerly had the right to sail have been restricted in accordance with article 101 of this Act or if it has been established that it is capable of conducting one or more voyages outside the limits within which it has formerly had the right to sail.

Article 124

A cargo ship to which the International Convention on Safety of Life at Sea or the International Load-Line Convention do not apply must have a provisional certificate regarding its ability to carry passengers if it has been established, in accordance with article 201 of this Act, that it is capable of carrying passengers within the limits of the territorial sea or internal waters of the Republic of Slovenia on one or more voyages or for a specific time.

Article 125

A ship intending to set off for trial voyage must have a certificate of seaworthiness for a trial voyage.

Article 126

Ships must have a tonnage certificate.

Ships to which the International Convention on Tonnage Measurement of Ships applies and which conduct international voyages in sea transport must have an international tonnage certificate.

The measurement certificate and/or international tonnage certificate shall be issued by a classification society.

The tonnage certificate and international tonnage certificate shall be proof of the gross and net tonnage of the ship.

The tonnage certificate or international tonnage certificate shall cease to be valid if the ship's gross or net tonnage is modified as a result of conversion work.

If a Slovenian ship has been measured abroad by a foreign body or institution, the tonnage certificate or international tonnage certificate issued by this body or institution shall cease to be valid upon the arrival of the ship at the first Slovenian port.

Notwithstanding the preceding paragraph, a Slovenian ship may be permitted to keep its foreign tonnage certificate or international tonnage certificate for one year after its arrival at the first Slovenian port, if the measuring has been performed using a system which is not substantially different to the measurement system recognised in the Republic of Slovenia.

Article 127

A ship equipped with devices for the loading and unloading of goods must have a register of ships' lifting appliances and items of loose gear.

Ships referred to in the preceding paragraph must have a certificate of test and thorough examination of lifting appliances, a certificate of test and thorough examination of derricks used in union purchase, a certificate of test and thorough examination of loose gear and a certificate of test and thorough examination of wire rope.

Ships used to carry grain in bulk or refrigerated cargo must have the appropriate certificates.

Article 128

A ship carrying over 2 000 tonnes of oil as cargo must have a certificate of insurance covering liability for damage caused by oil pollution, in the amount determined in accordance with article 831 of this Act.

The certificate mentioned in the previous paragraph shall be issued by the insurance company or other person with which an insurance contract was concluded.

The insurance company or person mentioned in the preceding paragraph shall issue the certificate if the documents submitted show that the insurance is irrevocable, unconditional and will not expire in less than 3 months.

Article 129

A ship performing international voyages which has been infested by rodents must have a pest control certificate.

A ship performing international voyages which has not been infested by rodents must have a certificate to the effect that it is exempt from pest control. This certificate shall be evidence that the ship is rodent-free and that it is exempt from pest control for the period specified on the certificate.

The pest control certificate and the certificate of exemption from pest control shall be issued by the competent administrative authority.

#### Article 130

A passenger ship safety certificate shall be valid for a maximum of one year.

Cargo ship safety equipment certificates, cargo ship safety radio certificates, certificates of seaworthiness, cargo ship safety construction certificates, international load line certificates and international oil pollution prevention certificates shall be valid for five years. Regular and interim inspections must, however, be carried out during the period of validity of the certificates in question in accordance with the technical standards of the classification society.

The certificate of exemption shall be valid until expiry of the corresponding safety certificate at the latest. If an international exemption certificate has been issued for a specific voyage, it shall be valid only for that particular voyage.

The validity of a supplement to the cargo ship safety construction certificate, to the cargo ship safety equipment certificate, to the cargo ship safety radio certificate or to the certificate of seaworthiness shall be valid until the expiry of the corresponding safety certificate at the latest.

A provisional certificate of seaworthiness shall be valid for the period stated in the certificate, or for one or several specific voyages, but for no more than one year from the last inspection of the ship.

A provisional certificate of a cargo ship's fitness to carry passengers shall be valid for the period stated in the certificate, but not beyond the expiry of the ship's certificate of seaworthiness.

A certificate of seaworthiness for trial navigation shall be valid for 30 days from the date of issue.

The validity of the register of lifting appliances and of the accompanying certificates shall be confirmed annually, and shall have to be renewed every fourth year, or fifth year at the latest, with a regular inspection.

The certificate of insurance covering liability for damage caused by oil pollution shall be valid for the duration stated in the certificate, but not beyond the expiry of the insurance contract.

#### Article 131

For ships to which the International Load Line Convention applies and which conduct international maritime voyages between Slovenian ports and nearby foreign ports – in cases where it has been established and agreed between the governments of the countries where these ports are situated that, in view of their naturally sheltered character or navigating conditions, it would be unjustified and unfeasible for the provisions of the aforementioned convention to apply to ships making such voyages, if this is admissible under said conventions – the classification society shall issue an appropriate document specifying which provisions do not apply to the ship.

#### Article 132

The certificate of seaworthiness and the passenger ship safety certificate shall cease to be valid if the period of validity expires, if the supervisory inspection is not carried out, if any part of the ship suffers an accident, if defects are found in any parts of the vessel which substantially affect its seaworthiness, or if repair, renovation or conversion work is conducted on any parts of the vessel.

The cargo ship safety construction certificate, the cargo ship safety equipment certificate, the tonnage certificate, the international tonnage certificate, the cargo ship safety radiotelegraphy certificate, the cargo ship safety radiotelephony certificate, the international load line certificate, the international exemption certificate from the implementation of provisions on load lines, and the register of lifting appliances shall also cease to be valid if the ship suffers an accident affecting the components to which the certificate applies, if defects have been discovered on these parts of the ship or if major repair, renovation or conversion work has been carried out on them.

Ships must have a stability book.

#### Article 133

Any ship carrying bulk or refrigerated cargo must have a certificate of fitness to be loaded with bulk cargo or a certificate of fitness to be loaded with refrigerated cargo. A ship carrying dangerous goods must have a

certificate of fitness to be loaded with any dangerous goods which require special conditions to be fulfilled by the ship.

The certificates mentioned in the preceding paragraph must certify that the ship meets the conditions prescribed for the carriage of bulk, hazardous or refrigerated cargo in order to protect the ship, the people on the ship, its cargo and the environment.

#### Article 134

The carriage of hazardous goods shall be governed by the provisions of the Transport of Dangerous Goods Act and international regulations adopted by the Republic of Slovenia.

#### Article 135

A ship with a crew, entered in the Slovenian register of merchant vessels, must have the following:

1. A certificate of compliance with the prescribed measures and standards on safety at work on board a ship;
2. A certificate to the effect that the level of chemical and biological hazards and the microclimate in the workplaces and work premises on board the ship have been tested;
3. A certificate that the faultless functioning of the crane or lifting appliances used for work on the ship has been established, if the equipment's capacity is more than 1000 kg;
4. A certificate that the passenger lifts have been tested.

A ship without a crew must also have the documents mentioned in points 1 and 2 of the preceding paragraph.

The documents mentioned in points 1, 2 and 3 of the first paragraph of this article shall certify that the prescribed measures have been carried out and that the standards on safety at work on board a ship are observed in compliance with the regulations on safety at work on board a ship and with the technical standards.

The validity of the documents mentioned in points 2 and 3 of the first paragraph of this article shall be determined by the regulations on safety at work on board a ship and the technical standards, while the documents mentioned in point 1 of the first paragraph of this article shall be valid for 2 years, on condition that a supervisory inspection of the ship is carried out one year after they are issued.

#### Article 136

A ship with a propulsion engine with 110 kW or more of drive-shaft power must, regardless of tonnage, keep a logbook and an engine room logbook.

Ships involved in ocean-going navigation or long-haul coastal navigation and other ships with gross tonnage of 400 tonnes or more must keep a medical logbook.

#### Article 137

Ships must have radio equipment and must keep a radio logbook.

#### Article 138

Ships must have the following documents and books relating to environmental protection:

1. Tankers of 150 tonnes or more (gross) and ships which are not tankers of 400 tonnes or more (gross) to which the International Convention for the Prevention of Pollution from Ships applies must have an international oil pollution prevention certificate if they make international maritime voyages;
2. The following vessels must have an oil pollution prevention certificate and supplement thereto:
  - Tankers of 150 tonnes or more (gross) and ships which are not tankers of 400 tonnes or more (gross) which use oil for fuel but do not conduct international maritime voyages;
  - Tankers of up to 150 tonnes (gross);
  - Ships of 400 tonnes or more (gross) which are not tankers and which use oil for fuel;
  - Ships with an engine with 220 kW or more of drive-shaft power, regardless of tonnage, if they use oil for fuel.

3. Every tanker or ship of 50 tonnes or more (gross), or ship with an engine with 220 kW or more of drive-shaft power, regardless of tonnage, must have an oil record book (Part I: Machinery Space Operations), if it uses oil for fuel;
4. Every tanker must have an oil-record book (Part II: Cargo/Ballast Operations);
5. A certificate on the prevention of marine pollution by garbage;
6. A sewage pollution prevention certificate;
7. A garbage record book;
8. A minimum safe manning document.

The documents referred to in points 1 and 2 of the preceding paragraph which are issued by a classification society shall be valid for a maximum of 5 years, on condition that, during the period of validity of the certificates, supervisory inspections of appropriate scope are carried out at the prescribed intervals.

#### Article 139

The certificates mentioned in articles 121, 122, 123, 124, 125 and 126 of this Act, the register of lifting appliances together with the certificates mentioned in article 127, and the certificates mentioned in article 133 and the books referred to in the third paragraph of article 132 shall be issued by a classification society.

The interim and supervisory inspections referred to in articles 130, 132, 135 and 138 of this Act shall be carried out by the classification society's surveyor.

### **Section VII - BOATS**

#### **1. General**

#### Article 140

The provisions of this Act which apply to ships shall apply to boats only where explicitly stated in this Act.

The provisions of this section shall apply only to those boats which must be entered in the register, as specified in article 217 of this Act.

#### **2. Seaworthiness of a boat**

#### Article 141

The seaworthiness of boats of up to 12 metres in length shall be established by basic, regular or extraordinary inspection carried out by the Maritime Directorate of the Republic of Slovenia or by a classification society which is a full member of the International Association of Classification Societies. In order to establish the seaworthiness of boats over 12 metres in length, inspection shall be carried out by a classification society which is a full member of the International Association of Classification Societies or by another society authorised by the minister in the manner defined in the second paragraph of article 93 of this Act. The Maritime Directorate of the Republic of Slovenia shall issue a navigation license for a boat on the basis of the record of a successfully passed inspection.

A boat shall not be permitted to navigate the territorial sea and internal waters of the Republic of Slovenia without a navigation license.

During navigation, a valid registration document and the navigation license must be kept on board the boat.



Article 142

A boat may sail if:

- It has been established that it is seaworthy in terms of its construction and navigational characteristics and equipment;
- It has been issued with a navigation license;
- It is operated by a qualified person.

Article 143

The person in charge of the boat must, during navigation, act in compliance with the regulations and technical standards on navigational safety, the protection of human life at sea, and environmental protection.

Article 144

A boat may be operated by a person whose ability to operate boats has been established in the prescribed manner and who was accordingly issued with a certificate, which he must have with him at all times when operating the boat. The procedure of establishing the ability to handle a boat and the issuing of the corresponding documents shall be managed by the Maritime Directorate of the Republic of Slovenia.

**3. Documents relating to the seaworthiness of boats**

Article 145

Documents on the seaworthiness of a boat issued by foreign countries shall be recognised in Slovenia on the principle of reciprocity.

If a boat does not have papers attesting to its seaworthiness, it shall be prohibited from sailing by the maritime inspector until seaworthiness has been established through inspection.

The provisions of the preceding paragraph shall also apply to a boat whose condition obviously does not correspond to the valid seaworthiness papers.

Once the boat has been inspected in accordance with the second paragraph of this article, it shall be issued with a document on its seaworthiness.

**Section VIII - FLOATING OBJECTS**

Article 146

The provisions of this Act shall apply to those floating objects which must be entered in the register, as stipulated in article 218 of this Act.

Article 147

The seaworthiness of a floating object shall be established through basic, regular or extraordinary inspection.

Floating objects shall be inspected by a classification society which is a full member of the International Association of Classification Societies.

Basic inspection shall be performed prior to issue of the permit for permanent mooring, and shall include an examination of all elements relating to the safety of the floating object.

Regular inspections shall be carried out every four years, and extraordinary inspections shall be carried out after each instance of damage to a floating object.

Article 148

If it has been established during inspection that the floating object meets the conditions on safety of use, the classification society shall issue a certificate on the safety of the floating object.

The certificate shall be valid for the duration specified in the certificate but for no longer than four years from the day the certificate is issued.

Article 149

The owner or person in possession of a floating object must have a permit for permanent mooring, anchorage or for laying the floating object on the seabed.

The permit shall be issued by the Maritime Directorate of the Republic of Slovenia, with the prior consent of the Ministry of the Environment.

The permit shall be revoked if the Maritime Directorate of the Republic of Slovenia, in the course of regular or extraordinary inspection, establishes that the floating object does not meet the safety conditions.

**Section IX – SHIP’S CREW**

**1. Common provisions**

Article 150

A ship’s crew shall comprise the persons (seafarers) who are entered in the crew list for work on a ship.

Article 151

A ship must have the appropriate number of crew members with prescribed professional qualifications to perform the work required to effect navigation.

Article 152

A person who has earned the appropriate title and who holds a certificate qualifying him to perform the work corresponding to that position on a ship, or a trainee for such a position, may become a crew member of a Slovenian ship.

Competence for work on a ship may be acquired only by persons who are fully physically and mentally capable of working on a ship and who are not addicted to alcohol, drugs or psychotropic substances, as established by medical examination and monitored by means of periodic check-ups.

The minister responsible for health, in agreement with the minister, shall prescribe the general and special medical conditions for work on a ship that must be met by crew members, including the manner, procedure and conditions for performing preliminary and periodical medical examinations and mandatory immunisation against communicable diseases.

Article 153

Only a person with a seaman’s book or boarding permit and a written contract of employment may embark on a ship as a crew member.

A seaman’s book shall be a personal identity document providing the crew member with proof of professional qualifications, state of health, position on the ship and the duration of employment on the ship.

A seaman’s book, which shall contain a visa for foreign travel issued by the authority responsible for foreign travel, may also be used by the crew member as:

- A travel document (passport) authorising the seafarer to be a crew member of a ship sailing abroad;
- A document for foreign travel in order to embark on a ship or to return to the Republic of Slovenia after disembarking from a ship abroad.

Article 154

The contract of employment shall be signed by the shipowner, or person authorised to act on his behalf, and by a crew member who fulfils the conditions to become a crew member as laid down by this Act.

Article 155

If a crew member leaves a ship during a contract of employment or at the end of employment in a port other than the port of embarkation, the shipowner or a person authorised by him must organise the return of the crew

member to the port where he embarked, to his town of permanent residence, to the town of the shipowner's registered office, or to the location specified in the contract (hereinafter: return voyage).

If the shipowner or a person authorised by him does not organise the return voyage for a crew member referred to in the preceding paragraph, the return voyage from abroad shall be organised by the diplomatic or consular office of the Republic of Slovenia at the shipowner's expense.

#### Article 156

The costs of the return voyage of a crew member shall be covered by the shipowner.

A shipowner shall have the right to request reimbursement for the entire cost of the return voyage from a crew member who leaves the ship without permission or through his own fault.

The cost of the return voyage of a crew member shall include the cost of lodgings, food and transport.

#### Article 157

A crew member must perform his work on board a ship in compliance with the duties prescribed by the law and the rules of navigation.

He must perform his work in a manner which does not endanger transport safety, damage the ship or the ship's cargo, endanger the safety of passengers or other persons on the ship or pollute the environment.

A crew member under the influence of alcohol or of other psychotropic substances, or in a mental or physical state which renders him incapable of performing work in connection with the safety of navigation, may not handle the vessel or perform other work in connection with the safety of navigation. Crew members may not consume alcohol for at least four hours prior to the start of watch duty on a ship.

A crew member shall be deemed to be under the influence of alcohol if more than 0.5% alcohol is found in his blood.

#### Article 158

A crew member must immediately inform the officer on duty or the shipmaster:

1. Of any exceptional events which may endanger the safety of the ship, the passengers, other persons or the ship's cargo, or which may pollute the environment with hazardous and harmful substances from the ship;
2. If, during navigation in sea lanes, he notices that an individual lighthouse or signal light is not functioning, or if the markers and signal buoys are not in the correct position.

In the event of danger, shipwreck or other accidents, crew members must strive to save the ship, the passengers, other persons and the ship's cargo, and to protect the environment until the shipmaster issues the order to abandon ship.

#### Article 159

After a shipwreck or other shipping accident, the shipowner shall reimburse the crew members for the loss of or damage to personal belongings on the ship.

An employed crew member shall be entitled to the wages specified in the contract of employment for at least two months after the accident.

The provisions of articles 155 and 156 shall apply to the return voyage of a crew member of a ship that has been shipwrecked.

#### Article 160

The shipowner shall be liable for damages in respect of physical injury to or the death of a crew member, unless he can prove that he is not liable for causing the damage.

The court with jurisdiction over maritime (navigational) disputes shall be competent to rule on disputes arising from this article.

## **2. Shipmaster**

### Article 161

The shipmaster of a ship shall be responsible for safety and order on the ship, shall represent the shipowner, and shall perform public authority functions on the ship within the limits determined by this Act and other laws.

The shipmaster shall be appointed and relieved of his duties by the shipowner.

If the shipmaster dies, is detained or is absent, he shall be replaced with full rights and duties by the deck crew member next in order of seniority.

### Article 162

The shipmaster shall be in charge of ensuring ship supplies, ship administration and maintenance, ensuring the safety of the ship's equipment, the correct loading, stacking, transfer and unloading of cargo, correct embarkation, care and disembarkation of passengers, and of executing all duties in connection with the work process.

The shipmaster must organise, within the set time limits, practice exercises with rescue boats, with other rescue equipment, and with fire detection, prevention and extinguishing equipment.

The shipmaster must be on board the ship during navigation.

The shipmaster must, prior to the ship's departure, check that the ship is seaworthy and that it is capable of making a specific voyage, and shall ensure that all the prescribed documents and logbooks, as well as all crew members, are on board; if the ship carries passengers, he must, in particular, check that passenger safety has been ensured.

### Article 163

The shipmaster or the deck officer on duty must take all the action necessary to ensure the safety of the ship and of navigation.

The shipmaster must command the ship in person every time this is required for its safety, in particular upon entering or departing from a port, channel, canal, strait, other dangerous navigational areas or a river, and when visibility is limited or obstructed by fog.

### Article 164

If the ship or persons on the ship are in danger, the shipmaster must take every action necessary to rescue people, to prevent danger to the ship and objects on the ship, and to protect the environment.

In the cases referred to in the preceding paragraph where it is necessary to sacrifice or damage part of the ship, cargo or other objects on board the ship, the shipmaster shall first sacrifice the objects not essential for navigation, which are less useful and of lesser value, so as to minimise the damage caused to the shipowner or owner of cargo.

### Article 165

If, when the ship is in danger, the action taken to save the ship has failed and it is inevitable that the ship will sink, the shipmaster must, where possible, remove the ship from the sea lane, rescue passengers and other persons on board, and order that the ship be abandoned.

In the cases described in the preceding paragraph, the shipmaster must save the ship's logbook and, circumstances permitting, other ship's logbooks, documents, nautical charts for that voyage and cash from the ship's cashbox.

The shipmaster may abandon the ship only after undertaking, within the limits of possibility, all the action prescribed in the first and second paragraphs of this article.

### Article 166

If, in the territorial sea of the Republic of Slovenia, an event occurs on the ship that endangers the safety of the ship or of navigation, or if something out of the ordinary happens to the ship, the passengers, other persons or

objects on the ship, or if a fault on the ship or a fault involving its pollution prevention equipment has been established, or if pollution with hazardous or harmful substances has been observed in the sea lane, the shipmaster must immediately, within no more than 24 hours, record the event or the observed pollution in the ship's logbook.

The shipmaster must notify the incident to the Maritime Directorate of the Republic of Slovenia for the port in which the ship is currently situated and must immediately, within no more than 24 hours of the ship's arrival at that port, submit to the Maritime Directorate of the Republic of Slovenia a written report, with a copy of the entry in the ship's logbook.

#### Article 167

The shipmaster must send a telecommunications message regarding any immediate danger to the safety of navigation that his ship has encountered, especially if they have observed any changes (as described in point 2 of the first paragraph of article 158 of this Act) in the sea lanes, pollution with hazardous or harmful substances, dangerous ice, a dangerous storm or any other immediate threat to the safety of navigation, or if they find themselves in a tropical storm or at a sub-zero air temperatures accompanied by gale force winds causing a build-up of ice on the superstructure, or in winds of gale force 10 or more on the Beaufort scale of which the ship received no advance warning.

The shipmaster must make an entry regarding the message described in the preceding paragraph in the ship's logbook.

#### Article 168

The shipmaster shall record in the ship's logbook any births and deaths on board the ship, stating the location or geographical coordinates of the ship and the time of the birth or death, and shall accept the deposition of a last will and testament, record it in the ship's logbook and state the time it was made.

The shipmaster must draw up the records of births, deaths and depositions of last will and testament in the prescribed manner and deliver them to the Maritime Directorate of the Republic of Slovenia at the first Slovenian port the ship sails into or to the nearest diplomatic or consular mission of the Republic of Slovenia abroad.

#### Article 169

In a state of emergency or in wartime, the shipmaster must take all necessary precautionary measures to save the ship, its crew, its passengers, its cargo and other property, and its documents and logbooks.

If war is declared between the Republic of Slovenia and another country, the shipmaster must take every necessary action to defend the ship, people, cargo and other property, and the ship's documents and logs from the enemy.

If war is declared between other countries while the Republic of Slovenia remains neutral and the ship is in a port belonging to a warring country, is bound for a port belonging to such a country, or has to pass through the territorial sea, rivers or lakes of such a country, the shipmaster must request instructions from the shipowner. If this is not possible, instructions must be requested from the competent Slovenian authorities.

#### Article 170

In a location other than the site of the shipowner's registered office, the shipmaster may, as representative of the shipowner, sign on behalf of and for the account of the shipowner contracts for salvage and such legal transactions as are necessary in order to complete the voyage.

Acting as the shipowner's representative, the shipmaster shall be entitled to bring cases before foreign judiciary and administrative authorities to protect the shipowner's rights and interests in the transactions mentioned in the first paragraph of this article and to take part in such procedures.

If the shipowner restricts the shipmaster's powers, the restrictions shall have no effect against third persons who were unaware of the restrictions or who, in view of the circumstances, could not have known of it.

#### Article 171

The shipmaster shall have the right and duty to issue commands to all persons on board the ship in order to ensure the safety of the ship and of navigation and to preserve order on the ship, and shall have the right and duty to supervise the execution of the issued orders.

The shipmaster may keep firearms in order to protect the order and safety of the ship; the crew members may not bear arms.

#### Article 172

The shipmaster shall have the right, during navigation, to restrict the movement of any person endangering the safety of the ship, crew members, passengers and other persons or objects on the ship or of the environment through pollution with hazardous or harmful substances. A person's movements may be restricted only to the degree necessary to protect passengers and other persons and objects on the ship, or to protect the ship and the environment. For a foreign citizen or a stateless person, restrictions may not last beyond the ship's arrival at the first port; for a citizen of the Republic of Slovenia, restrictions may not last beyond the arrival of the ship at the first Slovenian port.

The measures referred to in the first paragraph of this article must be recorded, together with an explanation, in the ship's logbook.

#### Article 173

The shipmaster shall have the right to remove from their post any crew member who is endangering the safety of navigation and, if necessary, remove them from the ship and return them to the port where they embarked on the ship.

#### Article 174

When a ship is in distress, the shipmaster shall have the right to reduce the crew's food and drink rations in order to ensure that the ship's supplies are used economically.

Deployment of the measures referred to in the preceding paragraph must be recorded, together with an explanation, in the ship's logbook.

#### Article 175

If, during a voyage, any of the crew members, passengers or other persons on board the ship commits a criminal offence, the shipmaster must, depending on the circumstances, take all necessary action to prevent or mitigate any adverse effects arising from the criminal act, and shall call the perpetrator to answer for his actions.

If there is a risk that the perpetrator may repeat the offence or may escape, the shipmaster shall order that the perpetrator's freedom of movement on the ship be restricted or that he be confined; the shipmaster shall hear the perpetrator, witnesses and the injured party and hence establish the circumstances in which the offence was committed and its consequences; the shipmaster shall keep records of each hearing, shall keep the objects on or with which the offence was committed or which contain visible traces of the committed offence as evidence, and shall take all the action necessary to establish the circumstances in which the criminal offence was committed.

If the ship is abroad, the shipmaster must report any criminal offence committed to the diplomatic or consular office of the Republic of Slovenia in the country of the first port into which it sails. The shipmaster must treat the perpetrator of the criminal offence in accordance with the instructions issued by that office.

Following the arrival of the ship at the first Slovenian port, the shipmaster must deliver the perpetrator of the criminal offence to an internal affairs authority, together with a written report on the criminal offence and the records and objects mentioned in the second paragraph of this article.

Deployment of the measures mentioned in the second and fourth paragraphs of this article must be recorded, together with an explanation, in the ship's logbook.

#### Article 176

If a crew member abandons the ship in a foreign port of his own free will with the intention of staying abroad, the shipmaster must notify the port authorities or another competent authority of this.

The shipmaster must draw up records and establish which of the belongings and documents of the crew member who abandoned the ship of his own free will have remained on the ship. The records must be drawn up in the presence of two witnesses and be signed by the shipmaster and the witnesses.

A note shall be entered in the ship's logbook on the crew member's decision to abandon the ship of his own free will, and on his personal belongings and the delivery thereof to the competent authority.

#### Article 177

A crew member shall be deemed to have abandoned the ship of his own free will with the intention of remaining abroad if he does not return to the ship by the time of its departure from the port.

If the crew member was prevented from returning to the ship by the time of its departure from the port, he shall be deemed to have abandoned the ship of his own free will if he does not report to the authority mentioned in the first paragraph of the preceding article within three days of the cause preventing his return ceasing to apply.

#### Article 178

The shipmaster who learns, in whatever manner, that people, including enemies in an armed conflict, are in mortal peril at sea, he must immediately and at the greatest possible speed set out to help them and, if able to do so, send notification of this and commence rescue.

The shipmaster of a ship in peril shall have the right to select one or several ships which he believes to be in the best position to help him, after consulting the shipmasters of the ships that have answered his call for help.

The shipmaster or shipmasters of the ships selected to help the ship in peril must accept the decision and immediately and at the greatest possible speed set out to help the people in mortal peril.

The shipmaster must rescue people in mortal peril even if they or the shipmaster resist.

#### Article 179

Notwithstanding the provisions of the preceding article, the shipmaster shall not be obliged to set out to help and commence the rescue of people in mortal peril in the following cases:

1. If such rescue work would expose the ship under his command and the people on it to great peril;
2. If he justifiably judges that, in view of special circumstances, the rescue of people in peril would not be successful;
3. If he learns that another ship has been chosen to help and that the chosen ship has acknowledged this;
4. If the shipmaster of the ship in peril, the people who were themselves in mortal peril or the shipmaster of another ship that has reached them inform him that help is no longer required.

The shipmaster must record in the ship's logbook the reasons why he did not set out to help the people in peril and commence their rescue.

The owner of the ship and the shipowner shall not be liable for damages incurred because the shipmaster violated duties under articles 178 and 179.

The provisions of articles 178 and 179 shall also apply to military vessels.

#### Article 180

A shipmaster of a Slovenian ship who finds out that another ship is in peril at sea must primarily rescue the people on that ship and, furthermore, must commence the rescue of the ship and objects on board the ship provided that the shipmaster, owner of the ship or the shipowner of the ship in peril does not expressly resist the rescue.

The shipmaster shall not be obliged to rescue a ship referred to in the preceding paragraph if he is unable to do so without exposing the persons on board his ship or his ship in serious peril or if he justifiably judges that rescue of the ship would be unwise and unreasonable with respect to the value of the ship in peril and the items on board the ship and with respect to the risks and costs his ship would be exposed to.

The shipmaster shall record in the ship's logbook the reason why he did not commence the rescue of a ship and items on board that ship.

The owner of the ship and the shipowner shall not be liable for damages incurred because the shipmaster violated duties under articles 178 and 179 of this Act and from this article.

The provisions of articles 178 and 179 of this Act shall also apply to military vessels.

## **Section X – INSPECTION**

### Article 181

Supervision of the implementation of the provisions of this Act and provisions issued on the basis of other regulations governing the safety of maritime navigation shall be carried out by means of inspection by the maritime inspectors of the ministry responsible for maritime affairs.

The inspectors must be persons with at least graduate-level professional qualifications. Nautical inspectors must have passed a professional exam qualifying them as shipmaster of a ship with a tonnage of 3000 tonnes (gross) or more, and engineering inspectors must have passed a professional exam qualifying them as chief engineer on a ship with engine power of 3000 kW or more.

Inspectors shall independently carry out the supervision by means of inspection, issue decisions and orders in line with administrative procedure and order other measures for which they are authorised. The minister shall regulate, in detail, the manner and conditions of the work of the maritime inspectors.

Inspectors shall have a prescribed uniform and official card issued by the minister. The manner and conditions for wearing the uniform, official insignia and the official card form shall be prescribed by the minister.

The inspection of Slovenian military vessels shall be carried out by the competent inspection authority with the ministry responsible for defence.

The supervision by means of inspection referred to in the preceding paragraph may, with the prior consent of the ministry responsible for defence, be carried out by the maritime inspectors with the ministry responsible for maritime affairs.

### Article 182

Under this Act, supervision by inspection of navigational safety shall encompass the supervision of:

1. Vessels with regard to their seaworthiness, the protection of people on them and environmental protection;
2. The application of international port rules in compliance with the international commitments of the Republic of Slovenia, supervision of conditions in ports and of the fulfilment of conditions for the safe navigation and mooring of vessels, the embarkation and disembarkation of persons and the loading and unloading of cargo;
3. The maintenance and marking of sea lanes in the territorial sea and internal waters of the Republic of Slovenia and the state of navigation safety facilities on them;
4. The operation of the radio service for the protection of human life at sea;
5. The construction of facilities at sea and on shore for the safety of navigation;
6. The implementation of the rules of navigation for boats;
7. The performance of public transport carrying people and goods by sea;
8. Floating objects, with regard to safety of use and seaworthiness;
9. Pilotage services;
10. Towage services;
11. Vessel crew members;
12. Implementation of work safety for crew members.

Inspectors may impose fines upon persons found to be in violation of articles 979, 980, 981, 982, 983, 984, 985, 986, 987 and 989 of this Act.

### Article 183

In carrying out the supervision by inspection of a ship referred to in point 1 of the first paragraph of the preceding article, the maritime inspector shall check that a ship has valid certificates in accordance with the provisions of the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships, the International Convention on Load Lines, and International Labour Organisation Convention 147 regarding shipboard conditions of employment. If the provisions of these conventions



do not apply to the ship, the inspector shall check that the ship has a valid seaworthiness certificate and a load-line certificate in accordance with the regulations of its country of origin, as well as an oil pollution prevention certificate.

If the foreign ship has the valid documents referred to in the first paragraph of this article, the supervision by inspection shall be limited to the following checks:

1. That the position of the load line or the freeboard corresponds to the data contained in these documents;
2. That the ship has been loaded in compliance with the established load line and/or freeboard line and that the cargo is distributed correctly under the conditions stated in those documents.

In addition to examining the documents referred to in the first paragraph of this article, the maritime inspector shall also examine that a ship which is loading or unloading cargo has a valid document certifying that the ship's loading and unloading equipment is in perfect condition and shall check that the state of this equipment corresponds to the data in the documents.

#### Article 184

If the maritime inspector establishes that a ship does not have the valid documents referred to in the first paragraph of the preceding article, or that the position of the load-line or the freeboard does not correspond to the data in those documents, or that the ship is not loaded in compliance with the established load line or freeboard line, or if the cargo is not correctly distributed, he shall prohibit the ship from leaving the port until it can continue the voyage without endangering the lives of people on board.

If the maritime inspector establishes that a ship is polluting the environment, or if justifiable grounds exist for suspecting that it will pollute, he shall prohibit it from leaving the port until the established deficiencies or circumstances which were the grounds for the prohibition have been redressed.

If the maritime inspector, during the inspection mentioned in the third paragraph of the preceding article, establishes that a ship does not have a valid document certifying that its loading and unloading equipment is in perfect condition, or if he establishes that the condition of this equipment does not correspond to the data in that document, he shall prohibit the ship from loading and unloading cargo with its own equipment.

#### Article 185

If justifiable grounds exist for suspecting that the condition of a foreign ship does not correspond to the data provided in the documents mentioned in the first paragraph of article 183, or that a foreign ship has boarded more passengers than permitted, does not have the minimum required number of qualified crew members, or is in such a condition or has such a number of passengers or the crew is in such a condition that the ship will obviously not be able to continue the voyage without endangering the lives of the people on board the ship, the ship shall be prohibited from leaving the port until it is capable of continuing the voyage without endangering the lives of the people on board.

The maritime inspector shall, during inspection of a foreign ship, act as instructed by the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers with regard to the ship's crew.

#### Article 186

During supervision by inspection of the seaworthiness of a ship which is entered in the register of ships of the Republic of Slovenia, the maritime inspector shall check the following:

1. That the ship has the prescribed ship's documents and books and that they are valid;
2. If there are any substantial modifications made to the ship after the ship's documents were issued or confirmed pursuant to a technical inspection which would make the ship clearly incapable of sailing without endangering people or cargo on board the ship or the environment;
3. That the ship meets the conditions referred to in article 92 of this Act;
4. That the ship carries the prescribed load-line or freeboard markings on its sides;
5. The proficiency of the crew in handling rescue boats or other rescue equipment, and fire detection, prevention and extinguishing apparatus.

Supervision by inspection shall also include a check that the ship has a valid cargo gear register and whether the condition of the loading and unloading equipment corresponds to the data in the cargo gear register.

#### Article 187

If the maritime inspector establishes deficiencies in the seaworthiness of a ship or boat, the shipmaster or the person operating the boat shall given responsibility for rectifying them within a specified period.

If the established deficiencies have not been rectified within the specified period or if they are, by their nature, such as to endanger the safety of the ship or boat, the people and cargo on board or the environment, the maritime inspector shall prohibit the ship or boat from any further navigation until these deficiencies have been rectified, and shall revoke the document of seaworthiness and/or the navigation license.

If the maritime inspector establishes that the ship does not have a valid cargo gear register as mentioned in the second paragraph of the preceding article or if the condition of this equipment is not in accordance with the register, he shall prohibit the ship from loading, unloading or transporting cargo using its own equipment.

#### Article 188

If the maritime inspector establishes that the rules determined by the international commitments of the Republic of Slovenia are not being implemented in a port with an international border crossing, he shall order the person managing the port to redress the deficiencies within a specified period.

#### Article 189

If the maritime inspector establishes that the condition of the operational area, the breakwaters or the depth of water in the port or at the anchorage endangers the safety of vessels, he shall order the port manager to carry out the specified work within a prescribed period and to take all necessary action to remove the established deficiencies.

If the work or measures from the preceding paragraph are not concluded within the specified period and the deficiencies from the preceding article have not been redressed within the specified period, the maritime inspector may:

1. Prohibit all ships of a certain size from landing in that particular part of the shore where a deficiency has been established until they can be guaranteed safe landing;
2. Prohibit the use of the operational area, other shore or a part thereof, or the anchorage if they are directly endangering the safety of vessels, people and objects during embarkation or disembarkation;
3. Prohibit navigation in the port and at the anchorage for as long the safety of vessels is directly endangered due to lack of maintenance of the port facilities and of the required depths.

If the condition of the operational area, breakwaters or depth in the port or at anchorage directly endangers vessels, the maritime inspector may decree the measures referred to in the preceding paragraph, without ordering that deficiencies be redressed first.

#### Article 190

If the maritime inspector establishes that a sea lane or the navigation safety facilities on it are in such a condition that they threaten the safety of navigation, he must:

1. Order the person in charge of the maintenance and marking of sea lanes to temporarily mark the obstruction on the sea lane or remove it and replace or activate signal markings and lights, if these are missing or out of order;
2. To temporarily prohibit navigation if measures for the safety of navigation have not been implemented on the sea lane.

If the maritime inspector establishes additional deficiencies on the sea lane which may endanger the safety of navigation, he shall submit his findings on this, together with the proposal regarding measures to be undertaken, to the person in charge of the maintenance and marking of sea lanes in order for the latter to take appropriate action.

#### Article 191

If the maritime inspector establishes that the maintenance of radio stations and the radio service are not in compliance with the regulations in force, he shall order that the established deficiencies be redressed within a specified period and/or that appropriate measures be taken.

Article 192

If the maritime inspector, while inspecting the construction of facilities on the shore or in the territorial sea or internal waters, establishes that the work is being carried out in a manner which endangers the safety of navigation, he shall order the temporary suspension of any further work.

The maritime inspector must notify the administrative authority which issued the construction permit on the injunction mentioned in the preceding paragraph.

Article 193

If the maritime inspector establishes that more people or cargo than are permitted have been taken on board the ship or that the cargo is distributed in a manner which endangers the safety of the vessel and of the people on board, he shall prohibit the vessel from leaving the port until the established deficiencies have been redressed.

Article 194

If the maritime inspector establishes that a crew member does not have an appropriate authorisation to work or a valid document on his enrolment on the ship, he shall set a period in which these deficiencies must be redressed.

If the crew member has not redressed the established deficiencies within the specified period from the preceding paragraph, the maritime inspector shall order the shipmaster to remove the crew member from the ship.

If the maritime inspector establishes, during supervision, that the person who is operating a boat does not have a document attesting to his qualifications, he shall prohibit that person from continuing to operate the boat.

Article 195

If the maritime inspector establishes that a crew member of a vessel is under the influence of alcohol or other psychotropic substances or in such a psychophysical state that he may endanger navigational safety, he shall remove that person from work and prohibit him from continuing to operate the boat.

During navigation and when a ship is outside the territorial sea of the Republic of Slovenia, the shipmaster shall have the authority to take the measures described in the preceding paragraph.

Article 196

The maritime inspector shall prohibit the use of a floating object if it does not fulfil conditions regarding safety.

Article 197

When performing supervision by inspection, the maritime inspector may also take action in compliance with other regulations governing issues of the safety of navigation.

Maritime inspectors shall have the authority to investigate accidents at sea. When investigating accidents, the maritime inspector shall establish all the circumstances of the accident and draw up a report on the accident at sea. The minister shall issue the rules on the investigation of accidents at sea.

Article 198

An appeal against a decision of the maritime inspector may be lodged with the ministry responsible for maritime affairs.

An appeal shall not delay the execution of the decision.

Article 199

A ship which the maritime inspector has prevented leaving port due to non-fulfilment of the conditions laid down in articles 184, 185 and 193 of this Act must pay the costs, as determined by the maritime inspector, of every follow-up examination required to ascertain whether the deficiencies and circumstances for which the ship was prohibited from leaving the port have been redressed.

The prohibition from leaving port shall be revoked when the conditions mentioned in the preceding paragraph have been fulfilled and when the ship has paid in full the prescribed costs of all follow-up examinations or has submitted an acceptable guarantee of payment to the Maritime Directorate of the Republic of Slovenia.

#### Article 200

If the maritime inspector discovers by any means that a ship which does not comply with the generally accepted international regulations and safety of navigation standards is sailing into Slovenian waters, he may prohibit the ship from entering Slovenian waters.

If a ship as described in the preceding paragraph has already entered Slovenian waters, the maritime inspector shall have the right to order the ship to leave Slovenian waters.

If a ship as described in the preceding paragraph does not act in accordance with the maritime inspector's orders, the inspector may, at the ship's expense and peril, order a competent organisation to remove the ship from Slovenian waters.

### **PART THREE - NATIONALITY, IDENTIFICATION AND REGISTRATION OF A SHIP**

#### **Section I – NATIONALITY AND IDENTIFICATION OF SHIPS**

#### Article 201

A ship shall acquire Slovenian nationality when it is entered in the Slovenian register of ships.

#### Article 202

A ship with Slovenian nationality shall have the right and duty to fly the Slovenian marine flag.

The right and duty to fly the flag mentioned in the preceding paragraph shall not apply to a ship without a crew.

Boats entered in the register of boats in the Republic of Slovenia must fly the Slovenian marine flag when outside the borders of the territorial sea of the Republic of Slovenia.

#### Article 203

The Slovenian marine flag shall be the symbol of the ship's Slovenian nationality.

The Slovenian marine flag shall be the national flag of the Republic of Slovenia.

The minister shall issue regulations on the flying of the Slovenian marine flag.

#### Article 204

A ship that has been entered in the register of ships must have a name.

No two ships may share the same name.

Decisions on the names, markings and call signs of ships shall be issued by the minister.

A boat must have a marking; it may also have a name.

#### Article 205

The name of the ship and the port of registration must be clearly marked on a ship.

The port of registration shall be the port where the register of ships in which the ship has been entered is kept.

Fishing ships must, in addition to the markings mentioned in the first paragraph of this article, be marked with a registration number.

#### Article 206

Ships and boats equipped with radio equipment must have a call sign, in compliance with the regulations on international radio traffic.

## **Section II – SLOVENIAN REGISTER OF SHIPS**

### **1. General provisions**

#### Article 207

Ships, boats and floating objects shall be entered in the Slovenian register of ships (hereinafter: the register of ships) under the provisions of this Act.

The register of ships shall be managed by the Maritime Directorate of the Republic of Slovenia (hereinafter: body responsible for the register of ships).

The provisions of this Act with regard to the entry of ships shall apply *mutatis mutandis* to the registration of ships under construction, of boats and of floating objects.

The minister shall issue regulations on the procedure for entry in the register of ships.

#### Article 208

The register of ships shall be a public book consisting of separate registers for ships, boats and floating objects. Each section shall consist of a main book and collection of documents.

Everyone shall be entitled to examine the data in the main book under the supervision of an authorised staff member.

The body responsible for the register of ships must deliver a certificate on the state of entries in a particular section to a person who submits a request and makes the required payment.

The certificates mentioned in the preceding paragraph shall be public documents.

The collection of documents may be examined and a copy of a document requested only by a person with a justifiable interest.

Bona fide persons shall not be affected by legal consequences arising from incorrect data contained in the register of ships.

### **2. Registration of ships**

#### Article 209

Ships shall be entered in the following sections:

- The section on merchant ships;
- The section on fishing ships;
- The section on public ships;
- The section on ships under construction;
- The sections on military vessels.

The section on military vessels shall be kept by the ministry responsible for defence.

#### Article 210

The following may be entered in the register of ships:

1. A ship which is completely or partly owned by citizens of the Republic of Slovenia or legal entities with a registered office in the Republic of Slovenia;
2. A ship whose shipowner is a person mentioned in the preceding point or a foreign shipowner who operates the ship through a branch with a registered office in the Republic of Slovenia, if the owner of the ship agrees with entry in the register of ships;
3. A ship owned by a foreign person or by a stateless person, if such an entry is permitted by the minister.

A nuclear ship may not be entered in the register of ships.

#### Article 211

When a ship mentioned in the third paragraph of the preceding article is entered in the register, the owner of the ship must authorise a Slovenian citizen with permanent residence or a legal entity with a registered office in the Republic of Slovenia to represent him before Slovenian authorities.

Article 212

A ship which is being built by a Slovenian shipyard shall be entered in the register of ships at the request of the owner of the ship.

Article 213

The main book shall be composed of inserts.  
An insert shall comprise sheets A, B and C.  
Each ship shall be entered in a separate insert.

Article 214

Sheet A shall contain data on the identity of the ship or ship under construction and its basic technical characteristics.

Article 215

Sheet B shall contain the name and permanent address or the title and registered office of the owner of the ship, and his limitations with regard to free use of the ship.

Sheet B shall also contain the name and permanent address or the title and registered office of the shipowner for a ship registered in accordance with point 2 of the first paragraph of article 210 of this Act.

Sheet B in respect of ships under construction shall also contain the name and permanent address or the title and registered office of the shipowner and the client.

Article 216

Sheet C shall contain entries on substantive rights encumbering the ship or parts thereof and the rights arising therefrom, bareboat charter of the ship, time charter, pre-purchase rights and other restrictions on the free use of the ship which apply to each owner of an encumbered ship, the ban on encumbrance and seizure, as well as other entries for which it has not been explicitly specified that they should be entered on any other sheet.

**3. Registration of boats**

Article 217

All boats must be entered in the section on boats, except for the following:

1. A boat that belongs to a ship or other vessel;
2. A sports rowing boat, kayak or similar vessel;
3. A boat which is less than 3 metres long, unless it has an engine with more than 3.7 kW power.

The section on military boats shall be managed by the ministry responsible for defence.

**4. Registration of floating objects**

Article 218

All floating objects more than 15 metres in length and more than 3 metres in width shall be entered in the section on floating objects.

**PART FOUR - SUBSTANTIVE RIGHTS ON SHIPS**

**Section I - GENERAL PROVISIONS**

Article 219

A ship and a ship under construction shall be movable property.

Article 220

Property rights, mortgages and liens may be held with respect to a ship and a ship under construction.

Article 221

Based on a legal transaction between living parties, the property right to a ship and a mortgage on a ship shall be acquired with registration in the register of ships.

The legal transaction mentioned in the preceding paragraph must be in writing.

Article 222

The first paragraph of the preceding article shall not apply to the acquisition of rights at a public auction.

Article 223

The property right to a ship under construction shall include the objects built into the ship.

Unless otherwise stated in the section on ships under construction, the property right to a ship under construction shall include the items which are in the shipyard but not yet built into the ship if, by their construction, they are intended to be fitted exclusively in that specific ship or a fixture thereof, or if visibly marked or set aside to be fitted in that ship.

**Section II – LIENS**

**1. Mortgage (*hypothèque*)**

Article 224

A mortgage on a ship shall be the right of a creditor to a repayment from the sale price of the ship at a court sale.

A mortgage may also include the right of the creditor in the event of an outstanding debt to repay his claims by utilising the ship, if so stipulated in the contract.

A mortgage shall be created on the basis of a contract or a court decision.

A lien on the ship (maritime lien) shall have priority over a mortgage.

A mortgage on a ship shall not expire with a change in the ship's ownership, unless otherwise stipulated by this Act.

Article 225

A second mortgage may be created by means of a contract on top of the mortgage on the ship for the benefit of another person.

In the case described in the preceding paragraph, the mortgager may settle his debt towards the principal mortgagee only if this is allowed by the mortgagee providing the second mortgage or by depositing the outstanding amount with the court.

If the mortgager does not act in such a manner, the mortgage shall remain available for the claim of the mortgagee providing the second mortgage.

Article 226

A mortgage on a ship shall include the following pertaining claims:

1. Compensation claims for material damage to a ship which has not yet been repaired;
2. Claims arising from the general average if these are for material damage to the ship which has not yet been repaired.

Article 227

A mortgage on a ship shall not include the freight, transport fare, towage fees and rent, or salvage rewards, unless agreed otherwise.

A mortgage on a ship shall not include the utilisation of the ship, unless agreed otherwise.

Article 228

A mortgage on a ship shall also include the insurance money for the ship to which the owner of the ship is entitled, unless agreed otherwise.

The mortgage on the insurance money shall cease if it was paid by the insurance company before the mortgagee informed the insurance company of the existence of the mortgage.

If the insurance company has been informed of a mortgage on the insurance money, it may not pay the insured party without permission from the creditor.

Article 229

A mortgage on the principal shall include the costs of registering the mortgage, and the costs of judicial and mortgage execution procedures.

A three-year delay on the interest to which the creditor is entitled under the contract or by law shall have the same priority as the principal.

Article 230

If the ship suffers damage or is in a condition such that the mortgage does not provide sufficient security for the settlement of claims, the mortgagee may demand that claims be settled ahead of their due date, unless the debtor offers an alternative guarantee for the difference due to the reduction in security.

Article 231

A ship encumbered by a lien may be permanently retired from navigation only with the prior consent of the mortgagees.

If the mortgagees decline to give the consent mentioned in the preceding paragraph, the mortgager may apply to court for the ship to be sold at a public auction.

Article 232

The provisions of this Act relating to mortgage on a ship shall also apply to the mortgage on a ship under construction entered in the section on ships under construction.

Article 233

A mortgage on a ship shall expire:

1. If the ship is removed from the register;
2. If the ship is sold in an execution or bankruptcy procedure;
3. If the ship is claimed as sea booty or spoils of war at sea.

In the case described in point 3 of the preceding paragraph, if the ship is released, the mortgage shall become valid again.

Article 234

The rights and the order of precedence of rights acquired with the registration of a mortgage shall not expire when a ship is removed from the register of ships because it has been destroyed, or is presumed destroyed, or because it has been permanently withdrawn from navigation (points 1 and 3 of the first paragraph of article 369 of this Act).

Article 235

A mortgage on the same claim may be entered as a single mortgage on two or more ships or ships under construction or as two or more mortgages (consolidated mortgage).

In the cases mentioned in the preceding paragraph, the creditor shall have the right to request repayment of the entire claim from each individual ship under mortgage.



#### Article 236

A mortgage recorded in a foreign register of ships on a ship which acquires Slovenian nationality and which is reported in the document concerning its removal from a foreign register of ships shall be entered in the Slovenian register of ships as a provisional note on a mortgage; it shall be recognised as having the same order of precedence as at the moment when its order of precedence in the foreign register of ships was determined.

A mortgagee for whose benefit such a note is made must justify the note within 60 days of receiving notice of the entry.

### **2. Maritime lien**

#### Article 237

Liens on a ship (hereinafter: maritime lien) shall be used to secure the following:

1. The legal costs which are necessary in the joint interests of all creditors in the process of execution or securing in order to preserve or sell the ship, and the costs of protection and supervision as of the time when the ship arrives at the last port; the port fees and the fees for the services rendered by the navigational safety authority; the costs of pilotage and of compulsory towage; social security contributions; and claims by the competent authority lifting or removing a wreck as ordered;
2. Claims by the shipmaster and other crew members arising from their employment on the ship;
3. Salvage rewards and the ship's contributions towards the general average;
4. compensation claims arising from collisions of ships or other accidents occurring during navigation, for damage to port facilities, docks and sea lanes, compensation claims for physical injuries suffered by passengers and crew members, compensation claims for lost or damaged cargo or luggage;
5. Claims arising from contracts and work signed or performed by the shipmaster on the basis of his legal authority outside the registered office of the shipowner, where necessary, in order to preserve the ship or to continue the voyage, regardless of whether the shipmaster is at the same time the owner of the ship or shipowner or whether he himself, or the supplier, the repair service, the loan provider or any other contracting party has claims;
6. Claims by shipping agencies for representation of the shipowner, the ship and the crew.

A lien on a ship shall include the interest on the principle.

#### Article 238

Liens on a ship shall include the freight or transport fare and towage fee for the voyage which gave rise to the claim secured by the lien as well as the pertaining claims on the ship and the freight and transport fares and towage fees acquired since the start of the voyage.

#### Article 239

The claims by the shipmaster and other crew members arising from employment from point 2 of the first paragraph of article 237 shall be the claims arising from their wages in employment relationships which are governed solely by Slovenian law; for others, they shall be the claims arising from the contract of employment.

#### Article 240

The provisions relating to liens on a ship shall not apply to claims for repayment of nuclear damage.

#### Article 241

Maritime liens shall not expire with a change in a ship's ownership, unless otherwise stipulated by this Act.

#### Article 242

Liens on a ship shall include the following pertaining claims and freights:

1. Outstanding compensation claims for material damage to a ship that has not yet been repaired, and for the loss of freight fares, transport fares or towage fees;
2. Claims outstanding due to the general average, if they apply to material damage to the ship that has not yet been repaired, or to the loss of freight fares, transport fares and towage fees;

3. Claims for salvage rewards which have not yet been paid, after the deduction of the amounts for the shipmaster and other crew members.

Article 243

Liens on a ship shall not apply to the outstanding claims of the owner of the ship under the insurance contract, nor to premiums, subsidies and other forms of State assistance.

Article 244

For the purposes of the provisions of this Act in respect of maritime liens, the 'freight or transport fare' of a ship shall mean the freight or transport fare which the charterer or the passenger owes to the shipowner.

The maritime liens for the benefit of persons referred to in point 2 of the first paragraph of article 237 shall encumber the freight fare and/or the transport fare and the towage fees outstanding for the voyages which have been performed during the same employment relationship on the same ship.

Maritime liens for claims mentioned in points 3 and 5 of the first paragraph of article 237 and the claims arising from collisions and other accidents during navigation and for damage caused to port facilities, docks and sea lanes as mentioned in point 4 of the first paragraph of article 237 shall only include the pertaining claims of the ship and freight fares, transport fares and towage fees mentioned in article 242 that came into being after the above claims originated.

Article 245

Claims secured with a maritime lien which applies to the same voyage of the ship shall be settled in the order given in the first paragraph of article 237 of this Act; while the claims mentioned in point 2 of the first paragraph of article 237 of this Act shall have the same order of priority as the claims arising from the last voyage.

If claims described in the individual points of the first paragraph of article 237 cannot be settled in full, they shall be settled in proportion to the amounts of the claims. In the case of the claims referred to in points 3 and 5 of the first paragraph of article 237, in each of these points claims created later shall take a higher order of precedence than those from an earlier date.

Claims linked to the same event shall be deemed to have arisen simultaneously.

Article 246

Claims secured with the maritime lien of the last voyage of the ship shall have a higher order of precedence than the claims from the voyage before.

Maritime liens for the benefit of the persons cited in point 2 of the first paragraph of article 237 of this Act and arising from the same employment relations which apply to several voyages shall have the same order of precedence as the claims from the last voyage.

Article 247

Maritime liens on freight fares and/or transport fares and towage fees may be presented while the freight fares and/or transport fares and towage fees are still outstanding or while the amount paid for them is still with the shipmaster or the shipping agent or the shipowner.

Maritime liens on pertaining claims may be presented while the claim is still outstanding or while the amount that has been paid out for it is still with the shipmaster or the shipping agent or the shipowner.

Article 248

Liens on a ship shall expire:

1. When the claim secured by the maritime lien expires;
2. After one year (or, for the maritime liens mentioned in point 5 of the first paragraph of article 237, after 6 months);
3. When the ship is sold in an execution or bankruptcy procedure;
4. When the ship is sold under the following conditions:
  - The transfer of the property right is entered in the register of ships;

- The entry on the transfer of the property right to a ship in the register of ships is published in the Official Journal of the Republic of Slovenia and published in the notices of the court for the area in whose register of ships the ship is entered;
- the privileged creditor does not initiate a procedure to settle his claims within two months of the publication of the entry in the Official Journal of the Republic of Slovenia or before the expiry of the period mentioned in point 2 of this paragraph;

5. When a limited liability fund is set up for claims, secured by a maritime lien, to which limited liability applies.

Liens on a ship shall expire when the ship is claimed as sea booty or as spoils of war at sea. If such a ship is released, the maritime liens which, under point 2 of the preceding paragraph of this article, had not expired prior to the seizure of the ship shall resume their validity.

#### Article 249

The period mentioned in point 2 of the first paragraph of the preceding article shall start to run as follows:

- For maritime liens on claims arising from salvage – from the day salvage is completed;
- For maritime liens arising from collisions or other accidents during navigation and for claims for physical injury – from the day the damage is inflicted;
- For maritime liens for lost or damaged cargo or luggage - from the day the cargo or luggage is delivered or should have been delivered;
- For maritime liens on repair and supply and on other claims mentioned in point 5 of the first paragraph of article 237 – from the day the claim arises;
- In all other cases - from the day of maturity of the claim.

The period mentioned in point 2 of the first paragraph of the preceding article shall cease when a suit is filed to present a claim secured by means of a maritime lien. In the case of a maritime lien on a ship, the period shall end when a suit is filed only if the ship is at a standstill or if a note on a lawsuit is entered in the register of ships in which the ship is entered.

Once the judgment in the suit that was the subject of the note becomes enforceable, the maritime lien shall expire within 60 days of the judgment becoming enforceable, unless the creditor requests within this period that the ship be sold or if the court stops the ship at the creditor's request. The creditor shall have the right within that period to request from the court that his maritime lien be entered in the register of ships according to the order of precedence valid at the time when the note on a suit to present the maritime lien was entered.

#### Article 250

The provisions of this Act relating to liens on ships shall also apply when a ship is used by a person other than the owner, unless the ship was taken unlawfully from the owner or the privileged creditor is dishonest.

#### Article 251

A claim secured with a lien on a ship shall not expire when the lien ceases.

A lien on a ship shall be transferred together with the withdrawal of a claim secured by the lien.

#### Article 252

A lien on a ship shall not expire when a ship's entry is removed from the register of ships.

#### Article 253

The provisions of articles 237 to 252 of this Act shall not apply to publicly-owned ships.

#### Article 254

The provisions of this Act relating to liens on ships shall also apply to boats and ships under construction which navigate on water.

### **Section III – SHIP REGISTRATION PROCEDURE**

#### **1. Common provisions**

##### Article 255

An entry in the register of ships shall contain the text of the operative part of the decision on registration.

If the state of the entry in the register of ships is such that the decision on registration cannot be executed, the entry may only be made on the basis of a new decision amending or modifying the previous decision.

##### Article 256

The registration entries performed on the basis of this Act shall be as follows:

1. Initial entry in the section on ships – registration of a ship which has not previously been registered in the Slovenian register of ships.
2. A sheet A entry – registration of a ship's identification data and technical characteristics on sheet A of the insert in the main book of the section on ships;
3. A book entry (registration) – registration or a record of the transfer, limitation or expiry of a right without any specific justification (unconditional entry of rights or unconditional removal of an entry);
4. A provisional note – registration or a record of the transfer, limitation or expiry of a right on condition that a justification is provided at a later date (conditional registration of rights or conditional removal of an entry);
5. A note – a record of personal relationships of importance for the use of property or other facts which, when recorded, are by law associated with certain legal effects;
6. Transfer of registration of a ship – removal of a ship's details from one register of ships and entry in another;
7. Removal of a ship – removal of a ship's entry from the Slovenian register of ships.

##### Article 257

Property rights and other substantive rights on a ship may be registered on the whole ship, or on a share determined with regard to the whole, but not on its individual component parts.

A mortgage may not be entered on a share of the whole, if the property right on the ship is registered to one person only, nor may it be entered on that part of the share for which only one co-owner is entered in the register of ships.

The registration of the transfer of a claim secured by a mortgage and of the acquisition of a second mortgage shall be permitted for the entire claim, as well as for a part thereof determined as a proportion or number.

##### Article 258

For certain items which are accessories of the ship, a note may be recorded in the register of ships, with the permission of the owner of the ship, to the effect that they are the property of another person.

##### Article 259

The registration of a mortgage on a ship must contain at least the following data:

1. The amount of the claim secured by the mortgage;
2. The interests that must be paid in addition to the claim;
3. The name and permanent address or the title and the registered office of the mortgage creditor;
4. The provisions on the maturity of the claim in whole or in part.

##### Article 260

If a mortgage is used to secure claims that may arise as a result of an approved loan, assumed insurance or repayment of damages, the maximum amount of the loan or liability must be stated in the document which was the basis for the registration entries.

If a claim secured by a mortgage is linked to a foreign exchange clause or any index-linked determination of its value, this must be entered in the register of ships.

A mortgage may be entered on a ship on the basis of an agreement between the parties.

Article 261

Entries shall be permitted only against the person whose property right, or the right which is the subject of the entry, is registered or is being registered at the time when the proposal is submitted to the register of ships.

Article 262

If several persons successively acquire the entitlement to register a right on a ship or on the right registered on the ship and have not registered it, the last to acquire the right may request that the right in question be registered directly to him, if he proves who his predecessors are.

If a claim secured by a mortgage and entered in the register of ships is assigned to another person and the claim has been settled, the debtor may request the removal of the entry without a preliminary registering, if he proves the conveyance.

Article 263

If a creditor who has the right to request the registration of a mortgage on a ship or of a second mortgage on a registered mortgage of his debtor does not request such an entry, the guarantor may request that all these rights be registered for the benefit of the creditor.

Each co-owner of a share may request, in his own name and in the name of other co-owners, the entry of joint rights that cannot be divided in proportion to the whole.

Article 264

Entries in the register of ships following a court decision on inheritances and bequests, or a court decision to register a mortgage on the basis of an agreement between the parties, shall be made on the basis of a binding legal decision by the probate court or executive court of jurisdiction.

**2. Order of precedence**

Article 265

The moment determining the order of precedence of an entry shall be the moment the proposal for entry arrived at the register of ships.

Entries made on the basis of proposals that arrived at the same time shall share the same order of precedence, unless otherwise stipulated by some other Act.

Article 266

The order of precedence of rights registered on a ship may be changed with a book entry or a provisional note surrendering entitlement to precedence.

Such changes shall require the consent of the beneficiary surrendering precedence and whose right moves down the order of precedence as well as of the beneficiary who takes his place. If the right which is moving down the order of precedence is a mortgage, the consent of the owner of the ship shall also be required; if the right which is moving down the order of precedence is encumbered with the right of any other person, the consent of this person shall also be required.

This change shall not interfere with the extent and order of precedence of other registered rights.

Article 267

The right that advances further up shall acquire, without restriction, the order of precedence of the right which is moving down the order of precedence, if that right is registered directly one place up from it or if all other beneficiaries whose rights are registered in between the two also surrender their advantage.

Article 268

If two rights which are not registered directly one before the other trade their advantage without the consent of the beneficiaries whose rights are registered between the two, the right which is moving up the order of precedence shall acquire the place of the right which is moving down the order of precedence only in its scope and substance.

If the right which is moving down the order of precedence is conditional or time-restricted, the right which is moving up the order of precedence may be settled in an execution procedure prior to the start of the condition or deadline, only in the amount to which it would have been entitled under its original order of precedence.

If, in a public auction, the buyer assumes a right that was moving down the order of precedence under its previous order of precedence without this being included in the purchase price, the right that is moving up shall be taken into account under its original order of precedence after the purchase money has been distributed.

Article 269

Unless otherwise agreed, the right which is moving up the order of precedence shall have priority under its original order of precedence over the right which is moving down the order of precedence.

Article 270

If several rights move to the order of precedence previously held by another right and the movement of this right down the order of precedence is registered at the same time, the right which had priority in the order of precedence up to that time shall continue to have priority under the new order of precedence, unless otherwise agreed.

Article 271

Subsequent changes with regard to the existence and extent of a right that moved down the order of precedence by surrendering its advantage shall not affect the order of precedence of the right which moved up the order of precedence, unless otherwise agreed.

**3. Applications and proposals**

Article 272

The decision to enter a ship in the register of ships shall be issued upon the application or proposal of an entitled party or at the request of a competent authority, unless otherwise stipulated in this Act.

The applications, proposals and requests mentioned in the preceding paragraph shall be submitted to the body responsible for managing register of ships.

Article 273

The applications and proposals to enter a ship in the register of ships must be accompanied by the appropriate number of copies, i.e. for the register of ships and for the parties to whom a copy of the decision must be delivered.

If the number of copies of the application or proposal supplied is insufficient, the body responsible for managing the register of ships shall request that the applicant provides the missing documents within a specified period. If the applicant does not comply, the body responsible for the register of ships shall decree that the application be copied at the applicant's expense.

Article 274

If the application is restricted to a period specified by the provisions of this Act relating to entry in the register of ships, it shall be considered timely only if it arrived at the body responsible for the register of ships before the end of the specified period.

The periods mentioned in the provisions of this Act relating to entry in the register of ships, except for the period for justification of a provisional note (article 327), the period for submitting the original (article 293) and the period in which a translation must be submitted (article 294) may not be extended.

The situation may not revert to its previous state if the deadlines determined by this Act for entry in the register of ships have been missed.

#### Article 275

For the initial registration of a ship, for the entry of changes to be recorded on sheet A of the insert of the main book, and for the entry of changes as a result of which a ship is removed from the register of ships and for other entries a written proposal must be submitted.

#### Article 276

In an application or proposal for the entry of a ship in the register of ships, the following must be specified: the body responsible for the register of ships to which the application or proposal is submitted; the name and permanent address or the title and the registered office of the applicant and of the persons to whom a copy of the decision on registration must be delivered; and the name or marking of the ship to which the entry pertains.

An application or proposal must contain all the data entered in the register of ships.

The proposal or application must clearly state the information which is to be entered in the register of ships. In the proposal or application, the applicant may make reference to the exact locations in the documents used to justify the application.

#### Article 277

An application for registration shall also contain a proposal to enter a provisional note, unless the applicant explicitly rules out a provisional note.

One proposal shall suffice in order to request that several entries be made on the basis of one document, or for the entry of the same right in several inserts, or for the entry of several rights in one insert.

#### Article 278

A proposal submitted by a legal representative of a natural person to record the acquisition, transfer, limitation or expiry of a registered right on a ship must be accompanied by the permission of the competent authority, when such permission is required.

#### Article 279

Entries in the register of ships pursuant to this Act shall be permitted only on the basis of documents drawn up in the form prescribed in order for them to be valid.

The titles and names or personal names of people participating in a legal transaction must be stated precisely in the document which is the basis for the entry. The document must also state the place where and date when the document was drawn up.

The documents which serve as the basis for entries in the register of ships may not have any visible shortcomings that would affect their credibility; if they consist of several sheets, they must be bound together in a manner that will prevent any new sheets from being inserted.

#### Article 280

Private documents that serve as the basis for entries in sheets B and C of the insert of the main book of the register of ships must be supplied in the original, while other documents may be supplied as certified copies.

One non-certified copy or photocopy of each document mentioned in the preceding paragraph must be supplied for the collection of documents. The body responsible for the register of ships shall confirm that the copy and/or photocopy corresponds to the original.

If the original of the document is kept in official files or by the register of ships, or if it has already been supplied with the application or the proposal, two copies or photocopies shall be supplied, along with a note on the location of the original.

If the original cannot be supplied because it is kept by some other authority, this shall be stated in the proposal or application, and a certified copy or photocopy and one uncertified copy or photocopy shall be supplied.

Article 281

A certified Slovenian translation must be submitted with the documents in a foreign language.

**4. Registration procedure**

***a) Common provisions***

Article 282

All entries in the register of ships shall be made in accordance with the provisions of the General Administrative Procedure Act, unless otherwise stipulated by this Act.

Article 283

Persons who request an entry as well as persons whose rights are entered in the register of ships shall be party to a registration procedure.

Article 284

The parties and other participants in the registration procedure may be heard in an oral hearing or may submit a written statement. If several persons are to be heard, they may be heard individually in the absence of others.

Article 285

During the registration procedure, written records shall be kept for any actions carried out orally.

With statements and information of lesser importance, an official note may be entered in the file instead of a full record.

Article 286

Each of the parties shall cover his own costs relating to the registration procedure.

Article 287

The time when the application or proposal was delivered to the body responsible for the register of ships shall be considered to be the decisive moment.

Article 288

Receipt of an application or proposal for registration shall be recorded in the logbook together with the date, hour and minute of its arrival. At the same time, it shall be recorded in the insert concerning the ship, if already opened, that an application or proposal for registration has been submitted and the number under which the application was recorded in the logbook shall be pencilled in.

If an insert has not yet been opened, then one shall be opened immediately upon receipt of an application or proposal for the initial registration of a ship by the body responsible for the register of ships and the number under which it was recorded in the logbook, the name or identification of the ship, as well as all the numbers of all subsequent applications and proposals which arrive until such time as the ship has been registered or the decision against entering the ship in the register of ships becomes final, shall be pencilled in.

An insert shall not be opened for the initial registration of a ship in the register of ships if the application is completely incomprehensible or unspecific.

Article 289

When a proposal for a book entry, a provisional note or a note on a ship already entered in the register of ships arrives, the body responsible for the register of ships shall establish whether, according to the conditions relating to entries in the register of ships in which the ship is entered, there are any obstacles to the requested entry.



#### Article 290

If a proposal to transfer a ship from one section to another has been submitted, a note on the transfer request shall be made in the section in which the ship is entered. Once the decision to enter the ship in a new section has been issued, complete with the data from the previous sections, the ship entry shall be removed from the original section of entry.

#### Article 291

The body responsible for the register of ships shall permit entries on the basis of a proposal or application and annexes thereto:

1. if no obstacles arise from the register of ships with regard to the ship or the rights on the ship in connection with the requested entry, and/or if, with the applications or proposals for the initial registration of a ship in the Slovenian register of ships, the conditions from article 215 have been met;
2. if there is no justified reason to doubt that the applicant is entitled to request registration or that the participants to whose rights the entry relates are capable of asserting these rights;
3. if the contents of the documents submitted indicate that the request is justified;
4. if the documents are in the prescribed form necessary for registration, a provisional note or a note to be permitted.

#### Article 292

The body responsible for the register of ships shall itself come to a decision on each application or proposal, as a rule without hearing the party and without a preliminary order, unless explicitly stipulated otherwise by this Act.

The body responsible for the register of ships must explicitly state in its decision whether it has approved or rejected the proposal.

If the proposal has been approved only in part, it shall decree the entry of the part which was approved and reject the part which was not approved.

If it rejected the proposal completely or only in part, it shall cite in the decision all the reasons why the proposal was rejected.

#### Article 293

The body responsible for the register of ships shall issue a decision on registration on the basis of appropriate documents.

If the application or proposal and the attached copies show that the request would have been granted if the original or an appropriately certified copy of the document had been supplied, the body responsible for the register of ships shall decree that the right concerned shall preserve its order of precedence, and a note on the application or proposal shall be inserted in the register of ships with the comment "pending submission of the original".

At the same time, the body responsible for the register of ships shall determine an appropriate period within which the proposer must supply the relevant document, unless the authority in possession of it has to submit it *ex officio*. If the register of ships subsequently receives the relevant document or if the document is supplied on time by the proposer, a decision on the matter shall be taken.

If the relevant document has not been supplied within the prescribed specified or extended period, the body responsible for the register of ships shall reject the proposal and remove the note *ex officio*.

If the proposal and the enclosed documents show that the matter may not be approved, even if the original or appropriately certified copy have been enclosed, the body responsible for the register of ships shall reject the proposal.

The provisions of this Act shall apply, *mutatis mutandis*, to applications for the registration of a ship under construction.

#### Article 294

If an application or proposal is not accompanied by the translation of a document written in a foreign language, and if the application does not indicate that the request has to be rejected, the body responsible for the

register of ships shall decree that it shall retain its order of precedence in the order of rights, and a note on the application or proposal for entry in the register of ships with the comment “pending submission of the translation” shall be inserted. It shall at the same time notify the proposer of an appropriate deadline by which he must submit a translation. If the proposer submits the translation within the specified or extended period, the body shall decide on the matter, otherwise it shall reject the application or proposal and shall remove the note *ex officio*.

#### Article 295

The body responsible for the register of ships may not permit anything more or anything different to be entered than what was requested by the party, even if the party is justified in requesting anything more or anything different on the basis of the submitted documents.

If only a provisional note is proposed, a book entry may not be decreed even if the conditions for a book entry are met.

#### Article 296

If the documents show that the person who obtained book rights has been granted a permit to effect a book entry and at the same time restrictions were placed on the assertion of the acquired right or if he was placed under other obligations for which a simultaneous book entry for the benefit of certain beneficiaries has been agreed, then the requested entry may not be allowed unless a book entry is proposed at the same time or - depending on the type of the document - at least a provisional note on the agreed limitations or obligations.

Any of the parties may propose a simultaneous registration of mutual rights and obligations.

#### Article 297

The decision granting an entry must list the following:

1. The number of the insert into which the ship must be entered and the name of the ship in question;
2. The name and permanent address or the title and the registered office of the person for whose benefit the entry is to be made;
3. The ship or the right on the ship which is to be entered in the register of ships;
4. The documents on the basis of which entry is permitted;
5. The type of entry that must be made;
6. The main content of the right being entered.

The decision must contain all the data to be entered on sheet A.

If the content of the text being registered cannot be expressed in brief, it shall be permitted to make reference to precisely defined sections in the documents that are the basis for the entry, with the same effect as if they had been entered in the main book.

#### Article 298

If the body responsible for the register of ships rejects a proposal for a book entry or a provisional note, an application or proposal for the initial registration of a ship in the register of ships, a proposal for a provisional note on the order of precedence, or a proposal to permit to sell in order to recover claims that have no mortgage registered on them, it shall make a note to the effect that the aforementioned requests have been rejected.

No note shall be made:

1. If it cannot be established from the proposal and its annexes which ship or right it applies to, or if the ship or the right for which the request for an entry was made is not recorded in the cited register of ships, or if, at the time the application or proposal was made, no insert on the entry had been opened;
2. If a property right or any other right on the ship is not registered to the benefit of a person for whom a book entry or a provisional note may be made.

A record of an entry of a note shall be made in the decision.

Article 299

When the decision rejecting an entry as referred to in the preceding paragraph becomes final because no appeal was submitted, the body responsible for the register of ships shall issue a decision on the removal of the note on the rejection of entry *ex officio*, and shall notify the parties thereof.

Article 300

The decision of entry shall be delivered to the persons listed in the decision, complete with the application or proposal and all the documents which were supplied with the application or proposal.

Article 301

The entry shall be performed *ex officio*.

Article 302

Any entry, except for the entries on technical data on sheet A, must state the following:

1. The date the proposal was received and its log number;
2. The identification of the document which is the basis for the entry, and the date when and where it was drawn up;
3. The number and date of the decision permitting the entry;
4. The type of entry and the main content of the right or the facts that must be entered;
5. The name and permanent address or the title and the registered office of the person for whose benefit the entry is made.

If several proposals relating to the same ship are delivered to the body responsible for the register of ships at the same time, it shall note the numbers of the proposals that arrived at the same time in each entry made on the basis of these proposals.

Article 303

Once the body responsible for the register of ships issues the decision to enter a ship, the ship shall be entered on sheets A and B at the same time. The provisions of articles 310 and 313 of this Act shall then be followed.

Article 304

With the exception of the cases mentioned in the second paragraph of article 298 of this Act, a note on the decision to reject an application or proposal to enter a ship in the register of ships shall be made on sheet A of the insert that was opened when the application or proposal was submitted; a note on the decision to reject an application for entry on sheet B shall be recorded on that sheet; and a note on the decision to reject an entry on sheet C shall be made on sheet C of the insert of the main book.

Article 305

In each decision, it shall be stated to whom it shall be delivered and to whom an individual document shall be sent.

Article 306

Decisions on proposals and applications for entry in the register of ships must be delivered to the applicant and to the person on whose property other persons have acquired any right or whose rights are being transferred, limited or voided, as well as to those for whom a note has been entered in the register of ships.

Decisions allowing full or partial removal of any entry shall also be delivered to all those for whose benefit further book entries or provisional notes were made on the registered right.

Decisions to introduce a registration or provisional note by means of which a mortgage or the ceding of a right is registered on the registered rights of others must be delivered to the owner of the ship.

A decision, at the request of an authorised person, to permit an entry for the party who issued the authorisation shall be delivered to the party in person, if the authorisation does not comply with the second paragraph of article 316.

#### Article 307

The delivery referred to in the preceding paragraph shall be conducted under the provisions of the General Administrative Procedure Act relating to personal delivery to parties.

If the originals of the supplied documents (article 313 of this Act) have to be returned to the party, the originals shall be returned to the party who supplied them, unless requested otherwise by the party.

#### Article 308

The validity of an entry may not be contested because the delivery was conducted incorrectly or not at all.

A person asserting any right or an exemption from an obligation for himself on the basis of a concluded entry shall not be obliged to prove that the delivery has been conducted.

#### Article 309

The body responsible for the register of ships which removed a ship from the register of ships shall issue a certificate of removal to the party at his request. In the certificate, the reasons for the removal and the decision on the basis of which the removal was performed shall be stated.

#### Article 310

On the original document which served as the basis for the entry the body responsible for the register of ships shall confirm that the entry has been made.

In the confirmation referred to in the preceding paragraph, it shall cite the decision on the entry and the insert in which the entry was made.

If the entry was made on the basis of several connected documents, the confirmation shall be recorded in the document from which the right directly derives (articles 262 and 263 of this Act).

#### Article 311

Nothing may be erased from the register of ships or made illegible in any other manner, nor may anything be added or changed.

All entries in the register of ships must be made in a manner and by means which render the writing permanent.

An error in recording must be crossed out so that it can still be read.

An error which was noticed after entry may be corrected only pursuant to a decision.

The body responsible for the register of ships must hear a participant if the error could have any legal consequence. A note shall be made regarding the instigation of this procedure on the sheet where the error was made. The effect of this note shall be that all subsequent entries shall not obstruct the correction of the error. Once the decision on the correction of the error becomes final, the note shall be removed *ex officio*.

The corrections of incorrect entries must bear the date, signature and stamp of the body responsible for the register of ships.

#### Article 312

The decision to remove a ship from the register of ships and a note that the request to remove a ship from the register of ships was rejected shall be entered on sheet A.

After the decision to remove a ship from the register of ships becomes final, the body responsible for the register of ships shall cross out each page of the insert of the main book with two intersecting red lines and one horizontal line on each page below each entry, whereby it shall not cross out individual entries.

The body responsible for the register of ships shall act in compliance with the preceding paragraph even after the decision to reject an application or proposal for the initial registration of a ship in the Slovenian register of ships becomes final.

#### Article 313

After the entry, the body responsible for the register of ships shall return to the party the original papers or certified copies thereof, if the application or proposal was accompanied by uncertified copies thereof. Otherwise, the original papers and/or certified copies thereof shall remain in the collection of documents, and the body responsible for the register of ships shall inform the party that he may collect them within a specified period by bringing certified copies thereof. The body responsible for the register of ships may make copies itself and charge the prescribed fees.

The preceding paragraph shall be applied to actions in connection with the copies required for the collection of documents.

#### ***b) Special provisions*** ***Initial registration in the Slovenian register of ships***

#### Article 314

The register of ships shall permit initial registration in the register of ships if the following documents have been supplied with the application:

1. A document proving the property right to a ship;
2. An extract from the court register or another document proving that the owner is a Slovenian citizen or a Slovenian legal entity and/or that the conditions for entering the ship in the register of ships have been met;
3. The decision on the name of the ship or the marking of the ship, and the port of registration;
4. The measurement certificate;
5. The certificate of seaworthiness of the ship issued for registration purposes by the classification society;
6. The document determining the call sign of a ship, under the international signal code, if the ship is obliged to have a call sign;
7. The documents on other data which must be entered on sheet A in the insert of the main book;
8. A certificate by the authority keeping a foreign register of ships that the ship has been removed from the register of ships, if the ship is being transferred from the foreign register of ships to the Slovenian register of ships.

In cases where the authority keeping the foreign register of ships in which the ship for which a written application has been made for initial registration in the Slovenian register of ships is entered in accordance with the regulations of the foreign country issues a certificate of removal from the register of ships only after justification for the removal has been provided, the body responsible for the register of ships shall decree without a certificate in accordance with point 8 of the preceding paragraph that the initial registration in question shall preserve its order of precedence with a note in the register of ships and a comment "*pending submission of the certificate of removal from the register of ships*".

At the same time, the body responsible for the register of ships shall stipulate a suitable period within which the party must supply the original of the certificate of removal from the register of ships. If the original of the certificate is not supplied within the prescribed or extended period, the register of ships shall reject the application and decree *ex officio* that the note be removed.

If the owner of the ship is a foreign citizen or a foreign legal entity, he must, together with the application, supply documents which are evidence of his right to enter the ship in the Slovenian register of ships as well as the data contained in the documents referred to in the first paragraph of this article.

#### Article 315

The register of ships shall permit initial registration of a ship under construction if the following documents have been supplied with the application for entry:

1. A document proving the property right to the ship;
2. A certificate issued by the shipyard on the technical data entered on sheet A of the section on ships under construction, and on the location and commencement of construction;

3. A statement by the owner of a ship under construction on the name of the ship under construction; if it does not have a name, a statement from the shipyard on the marking of a ship under construction.

***Book entry (registration)***

Article 316

Unless otherwise stipulated by this or any other Act, a book entry or registration (point 3 of article 256 of this Act) may be permitted only on the basis of public documents or private documents bearing signatures of the persons whose right must be restricted, encumbered, revoked or transferred to another person which have been certified by an authority competent to certify signatures.

On the basis of private documents issued by an authorised person, an entry for the authorising person may be permitted only if the authorisation issued applies to a specific transaction or specific type of transaction and if not more than one year has passed between the day the authorisation was granted and the day the entry was requested.

The signatures on a private document do not have to be certified if the documents have been approved by the authority responsible for the protection of the rights and interests of the persons whose rights have to be restricted, encumbered, revoked or transferred to another person.

Article 317

A private document that may serve as the basis for permitting an entry must, in addition to the data mentioned in article 279 of this Act, contain the following:

1. Precise identification of the ship or of the right to be entered;
2. An explicit statement permitting the entry by the person whose right is being restricted, encumbered, revoked or transferred to any other person.

Point 2 of the preceding paragraph shall not apply to documents on the acquisition of the property right to a foreign ship, if the request is for the initial registration of the ship in the Slovenian register of ships.

Article 318

Public documents that may serve as the basis for permitting an entry shall be as follows:

1. Documents on legal transactions drawn up by a court or a notary within the limits of their competence, if they contain data prescribed in article 279 of this Act;
2. Documents in the prescribed form issued by a court, notary or an administrative authority within the limits of their competence, which by law are granted the properties of an executory title or which may serve as the basis for an entry in a public book subject to special rules.

Entries on the basis of a decision by a foreign court shall be permitted, on condition that this decision has been recognised in a prescribed procedure.

***Provisional note***

Article 319

If a supplied document meets the general conditions for registration but not all the special conditions for entry prescribed in articles 316 to 318 of this Act, the body responsible for the register of ships shall permit a provisional note (point 4 of article 256 of this Act).

Article 320

A provisional note on a mortgage shall only be permitted if the claim and the legal basis for the mortgage have been proved plausible.

Article 321

When a ship formerly entered in a foreign shipping register is entered in the Slovenian register of ships and the document on the removal of the ship's entry from the foreign register of ships shows that the ship is mortgaged, a provisional note on the mortgage shall be made *ex officio* and shall have the same order of precedence as of the

moment which determined its order of precedence in the foreign register of ships, if the conditions for registering an entry on a mortgage, as laid down by this Act, have not been met at the time of registration.

#### Article 322

A provisional note of a bareboat charter right, a time charter and a right of first refusal shall be permitted only if the existence of the right and the permission to register are proved to be plausible.

#### Article 323

A provisional note shall also be permitted on the basis of the following documents:

1. Non-final court decisions either granting or rejecting a request for the establishment, acquisition, restriction or expiration of a registered right;
2. Court decisions allowing provisional notes in the securing procedure in accordance with the rules on executive procedures;
3. Requests by courts, administrative bodies or persons performing public duties assigned to them by law, where they are entitled by law to order *ex officio* that certain claims be secured with a mortgage.

#### Article 324

If a debt secured with a mortgage has been deposited with the court but may not justifiably be paid to the creditor under the rules of the law of obligations, a provisional note may be made on the basis of a court certificate to the effect that the outstanding amount has been deposited. The following shall be permitted:

1. A provisional note cancelling a mortgage - if the outstanding amount deposited with the court was deposited by the debtor or by the person responsible for the debt;
2. A provisional note assigning a claim secured with a mortgage - if the outstanding amount was deposited with the court by some other person to whom the creditor must assign the claim under the rules of the law of obligations.

#### Article 325

Registered rights shall be acquired, transferred, restricted or revoked by means of a provisional note, on condition that a provisional note is justified at a later date, to the extent to which they were justified.

#### Article 326

A provisional note may be justified as follows:

1. With a document which may be used to permit book entry (registration) and which was issued by the person for whom the provisional note was recorded;
2. With a certificate stating that a court decision as described point 1 of article 323 of this Act has become final and executable;
3. With a final decision issued by a competent authority on the existence of a claim mentioned in point 3 of article 323 of this Act, for which the provisional note records the security;
4. With a final and executable court decision issued in a civil suit against the person for which the provisional note was made.

#### Article 327

If a provisional note is justified with a document suitable for a book entry (point 1 of the preceding article), it must be justified within 30 days of the delivery of the decision on the provisional note.

If a provisional note is justified by a final and executable court decision (point 4 of the preceding article), a civil suit must be initiated within 15 days of the delivery of the decision on the provisional note.

The period within which a provisional note must be justified and/or a civil suit instituted must be indicated in the decision on the provisional note.

The period within which a provisional note must be justified or a suit instituted may be extended by the body responsible for the register of ships at the proposal of the party, if justifiable reasons exist for such an extension.

Article 328

If a provisional note is justified with the documents cited in points 1, 2 and 3 of article 326 of this Act, a proposal to justify a provisional note shall be submitted to the body responsible for the register of ships.

If a provisional note is justified with a court decision in a civil suit (point 4 of article 326 of this Act), the person who requested the provisional note must institute the civil suit with the competent court and notify the body responsible for the register of ships thereof.

Article 329

If, at the time when a proposal for a provisional right is put forward, a civil suit concerning the existence of the right for which a provisional note has been requested is in progress then no separate civil suit shall be required in order to justify the provisional note if, under the provisions of the Civil Procedure Act, the request to justify a provisional note may also be asserted in the existing suit.

Article 330

If a provisional note is not justified, the person for whom it was permitted may propose that it be removed.

If it cannot be determined from the official documents that a suit for the justification of a provisional note was filed on time or that the period set for the submission of justification was still running on the day when the proposal for the removal of the entry was made, the body responsible for the register of ships shall order a hearing within a short period of time, where the proposer of the provisional note must prove that the time limit for justification had not expired and that the suit was initiated on time.

If the body responsible for the register of ships establishes that the time limit had expired or that the suit had not been initiated on time, it shall permit the entry on the provisional note to be removed.

A suit to justify a provisional note shall be considered to have been filed on time, even though the time limit specified has expired, if it was filed before the proposal to remove a provisional note was submitted or if it was at least filed on the same day the proposal was submitted.

Article 331

If the court, in a civil suit to justify a provisional note, grants the plaintiff's request for justification, the justification of the provisional note shall be recorded in the register of ships at the proposal of any of the parties, in accordance with the contents of a final judgment.

If a request to justify a provisional note was rejected in a civil suit mentioned in the previous paragraph with a final decision, the provisional note shall be removed at the proposal of any of the parties.

Article 332

If a provisional note has been removed because the suit for justification was not filed on time, a new provisional note may be proposed; however it shall have legal effect only from the moment the new proposal is filed.

The owner of the ship or the beneficiary of a registered right may request in a suit that the absence of any provisional right be established. The judgment with which the court grants the request shall be entered in the register of ships at the proposal of the party, thus preventing a provisional note from being permitted again.

Article 333

If a provisional note is removed for any reason other than those cited in the preceding paragraph, the body responsible for the register of ships shall *ex officio* reject any new proposal for a provisional note on the same right based on the same document. If this is waived and a new provisional note is made, it shall be removed immediately upon the opposing party reporting that this provisional note has been removed once before.

Article 334

If a provisional right is a property right, further entries shall be permitted not only against those mentioned in book entries but also against the owner of the ship mentioned in the provisional note; however, the legal effect of these entries shall depend on whether or not such a provisional note is justified.



If a provisional note is justified, all the entries made for the book entry owner of the ship after the proposal was submitted, and on the basis of which the provisional note on property right was made, shall be removed *ex officio* together with the entry of its justification.

If a provisional note on a property right is removed, all the entries which were performed in connection with this provisional note shall be removed *ex officio* at the same time.

The provisions of this article shall also apply in cases where a provisional note against the mortgagee on the transfer of the claim to another person was made.

#### Article 335

If there is a provisional note on the removal of an entry on any right, further entries (of, for example, second mortgages or on the assigning of mortgages) shall be permitted; however, the legal effect of these entries shall depend on whether or not the provisional note removing an entry is justified.

If a provisional note removing an entry is justified, all entries which were permitted in the meantime in connection with the removed right shall be removed *ex officio* together with the entry of the justification.

#### Article 336

If second mortgages are still registered on a claim secured by a mortgage at the time when removal is requested, the entry on the claim may be removed only if a comment is added to the effect that the removal of the entry with regard to the second mortgages shall have legal force only after they have been removed.

Once a book entry on removing the entry of a claim secured by a mortgage is made, further entries on this mortgage shall no longer be permitted; if only a provisional note has been made on the removal of the mortgage, further entries on this right shall be permitted, but only with the legal effect mentioned in article 325 of this Act.

#### Notes

#### Article 337

The legal consequence of a note on personal relations, particularly in connection with restrictions on the right to use property, shall be that no person who is the beneficiary of any right entered in the register of ships may claim that these relations were unknown to him (for example, the person's status as a minor, extension to the parental right or guardianship, bankruptcy, etc.).

A note on personal relations and the removal of such a note shall be ordered by the body responsible for the register of ships on the basis of documents proving these relations, at the proposal of the parties, their legal representatives or competent bodies.

#### Article 338

A note on facts in addition to those cited in the preceding article may only be permitted if permitted by law and if it has the effect provided by law (for example, order of precedence, consolidated mortgage, assigning of a claim secured by a mortgage, a suit to assert a maritime lien, a note on a dispute, etc.).

#### Article 339

The owner of a ship may request the entry of a note on the order of precedence of the planned seizure of a ship or encumbrance with a mortgage. The legal effect of a note shall be that the order of precedence of the rights acquired with seizure or encumbrance shall start from the moment when the proposal to enter the note is submitted, if these rights need to be registered in order for the note to be valid.

A mortgagee may request, with the legal effect cited in the preceding paragraph, the entry of a note on the order of precedence of the planned assigning or removal of his claim.

The notes mentioned in this article shall only be permitted if, in accordance with the state of the entries in the register of ships, a book entry on the right that needs to be entered is permitted, and if the signature of the proposer on the proposal has been certified by an authority authorised to certify signatures.

Article 340

A decision by the body responsible for the register of ships granting a proposal to enter a note in accordance with the preceding article shall be issued in one copy only (certified copy). Once the note has been entered in the register of ships, it shall be confirmed on that copy that the note has been entered.

Article 341

If a note on the order of precedence of the planned encumbrance of a ship with a mortgage is permitted, it shall cease to be effective after one year; in other cases, listed in article 339 of this Act, it shall cease to be effective 60 days after permission has been granted.

The body responsible for the register of ships shall indicate the date the note shall cease to be effective in the decision permitting a note.

Article 342

A proposal to enter a right or removal with an order of precedence protected by a note (article 339 of this Act) must be submitted within the time limits set in article 327 of this Act; the proposal must be accompanied by a copy of the decision permitting the note.

The document which forms the basis for the entry or removal of a right, associated with a note on its order of precedence, may be drafted after the proposal to enter a note has been submitted.

The body responsible for the register of ships shall, in the decision permitting a book entry or a provisional note adopted in response to a proposal submitted in accordance with the first paragraph of this article, indicate that the permitted entry holds that order of precedence which it acquired with the note. Upon entry, it shall be certified on the copy of the decision permitting the note on the order of precedence that entry has been carried out.

An entry with a note on order of precedence shall also be permitted if the ship, or the claim secured with a mortgage, has been transferred to another person or encumbered after the proposal for an note on its order of precedence has already been submitted.

If the owner of the ship or a mortgagee goes bankrupt before the proposal for entry is submitted, the entry shall be permitted only if a document of a legal transaction has already been drawn up before the day when bankruptcy was instituted and if the date of its being drawn up has been proved by certification by the authority authorised to certify signatures. If the document does not meet these conditions, it shall be assessed under bankruptcy regulations whether an entry is permissible.

Article 343

If a book entry on the transfer of a property right, or the seizure of a ship, or the assigning or removal of an entry on a claim with an order of precedence acquired with a note is permitted (first paragraph of article 339 of this Act), the body responsible for the register of ships shall, at the proposal of the party for whose benefit the book entry was made, decree the removal of entries relating to the ship or the claim which were made after the proposal for the note was submitted. The proposal to remove these entries must be submitted within 15 days of the day the book entry with a note on its order of precedence became final.

Article 344

If a proposal for an entry is not submitted before the end of the period after which the note loses its effect (article 341 of this Act), or if the claimed amount for which the note on order of precedence was made is not exhausted by the end of this period, the body responsible for the register of ships shall decree the removal of the note on the order of precedence *ex officio*.

The removal of an entry on a note may be permitted before the end of the period mentioned in article 341 of this Act only if the proposal to remove an entry is supported by a copy of the decision permitting such removal. Once an entry has been removed, the body responsible for the register of ships shall, on this copy of the decision, certify that the entry has been removed.

Article 345

The body responsible for the register of ships shall, at the request of the creditor, permit that a note on a court's assigning a mortgage and on a mortgage suit shall be made if the person against whom the assigning or suit has been filed is registered as the owner of the ship and if it is proved that a mortgage suit has been filed.

A note on a mortgage suit may also be permitted by the civil court.

The consequence of a note mentioned in the first paragraph of this article shall be that the assigning or the suit shall be effective against the subsequent owner of the ship and in particular that, pursuant to a final decision issued in a civil suit regarding a suit for which a note has been made or on the basis of an enforceable court settlement reached in this civil suit, a writ of execution on a mortgaged ship shall be permitted directly against any subsequent owner of the ship.

Article 346

A note on a suit to assert a maritime lien shall be removed *ex officio*, if the creditor of a claim secured by a mortgage does not request the sale of the ship or the registration of a mortgage or if the ship is not stopped within this period at his request (second paragraph of article 249 of this Act) within 60 days of the judgment becoming enforceable and issued pursuant to a suit on which a note has been made.

If it does not follow from the official documents that a request to sell the ship or register a mortgage has been made, or that the ship has been stopped within the legally prescribed period, the body responsible for the register of ships shall act in accordance with the second and third paragraphs of article 330 of this Act.

Article 347

A person who initiates a civil suit in order to contest a book entry (registration) which he claims violates his registered rights and who requests the restoration of the previous situation may, at the time the suit is filed or later, also request from the civil court or the body responsible for the register of ships that a note on this dispute be entered in the register of ships.

The consequence of a note on a dispute mentioned in the preceding paragraph shall be that the judgment issued in this dispute shall also be effective against those who acquired their registered rights after the proposal to make a note on the dispute arrived at the register of ships.

Article 348

The statute of limitations on claims in a civil suit to remove a book entry against the persons who acquired rights or were excused from a burden directly with that book entry whose removal is requested with the suit, and in cases where the suit is based on a direct relationship between the plaintiff and the accused, shall be assessed under the rules of the law of obligations relating to the statute of limitations.

Article 349

Any person who wishes to contest the book entry of another person of which he was notified in accordance with regulations must, within the period when a complaint may be filed against permitting this book entry, propose to the body responsible for the register of ships that a note on the entered book entry is in dispute, and not later than 60 days after the period when complaints can be filed, and may also file a suit to remove a book entry against all those who acquired any registered right with the contested book entry or achieved further book entries or provisional notes on any registered right.

After the expiry of the period mentioned in the preceding paragraph, a book entry may be contested in a suit to remove an entry only against those who, prior to the note on a dispute, acquired additional registered rights on the registered right, and only if they were not honest about the validity of the contested book entry.

Article 350

If the plaintiff has not been notified of a permitted book entry which he contests in accordance with the regulations, his right to file a suit for its removal shall cease against those who fairly acquired additional registered rights on the registered right three years from the day the proposal to contest a book entry was delivered to the body responsible for the register of ships.

#### Article 351

If the plaintiff withdraws the suit, or if it is deemed by law to have been withdrawn, or if the suit was refused in a final decision, or if the claim was rejected, or if in the cases mentioned in article 349 of this Act the suit was not filed within the prescribed period, it shall be ordered, at the proposal of the opposing party, that a note on the dispute be removed.

If a court, in a legally binding judgment, fully or partly grants the request to remove a contested book entry, or if the parties reach a court settlement on the removal of an entry, the removal of the contested book entry shall be permitted at the proposal of a party, in accordance with the content of the judgment or court settlement, and at the same time it shall be ordered to remove the entry on the note on a dispute, along with all the book entries and provisional notes on the removed rights whose proposals for entry arrived at the body responsible for the register of ships after it received the proposal to make a note on the dispute.

#### Article 352

Anyone who claims that a book entry took place as a result of a criminal offence may request that the legal effect in accordance with article 347 be established with regard to the subsequent entries, and may request the body responsible for the register of ships to permit a note to the effect that the book entry is in dispute. The proposal must be accompanied by a certificate issued by the competent authority to the effect that a criminal law procedure has been initiated.

If a proposal is made for a note on a dispute with the aim of achieving an effect against others who acquired their registered rights fairly before the note on the dispute was made, it must be filed with the body responsible for the register of ships within the period in which the party may file a complaint against the permitted book entry.

#### Article 353

If a court in a criminal procedure rules that a book entry is to be removed, along with those registered rights which were acquired before the note in accordance with the preceding paragraph was made, the body responsible for the register of ships shall decree the removal of a book entry under the second paragraph of article 351 of this Act, if the party against whom the contested book entry was made has supplied, along with the proposal for the removal of a book entry, a court decision issued in a criminal procedure, together with a certificate attesting to its finality.

If the court establishes, in a criminal law procedure, the liability of the defendant but refers the injured party with its request for the removal of the entry to a civil suit, the injured party shall have the right to file a suit for the removal of a book entry and registered rights as mentioned in the preceding paragraph within 60 days of the day when the court decision to refer to a suit has become final.

If the court does not issue a decision on the criminal responsibility of the defendant in a criminal procedure and if the entitled party does not file for a suit within the period mentioned in the preceding paragraph, the body responsible for the register of ships shall permit the removal of the note on a dispute at the proposal of the person with a legal interest in the continuing validity of the contested book entry.

#### Article 354

If a request to remove a note on a dispute has been made because the suit for removal was not filed within the time limits determined in articles 349 and 353 of this Act, the body responsible for the register of ships shall act in accordance with the second and third paragraphs of article 330 of this Act.

#### Article 355

If the owner of the ship or the creditor on whose ship or claim under a book entry on a right files a suit to have this right removed fully or in part because it has become statutorily barred, the body responsible for the register of ships shall, at the proposal of the plaintiff, permit that a note on a dispute be made in the register of ships.

#### Article 356

If a civil suit is initiated in which the plaintiff requests that it be established that a certain substantive right has been acquired with the acquisition by prescription, the body responsible for the register of ships shall, at the proposal of the plaintiff, permit a note on a dispute to be entered in the register of ships.

Article 357

A note on a dispute in the case of a suit for the removal of an entry due to the statute of limitations (article 355 of this Act) or in the case of a suit to establish the acquisition of a substantive right as a result of the acquisition by prescription (article 356 of this Act), shall have no effect against others who relied on the register of ships and who achieved certain book entries before the moment when the proposal on a note on a dispute arrived at the body responsible for the register of ships. If it is established in a final judgment that the plaintiff, through the acquisition by prescription, acquired a certain substantive right, the right acquired through the acquisition by prescription shall have an order of precedence higher than all those entries which were made after the note on a dispute; all the rights registered after the note on a dispute that are contrary to this shall be removed at the proposal of the party.

In the removal procedure, the second paragraph of article 351 of this Act shall apply *mutatis mutandis*.

Article 358

The court which sold off the ship shall order *ex officio* that a note on the decision to sell the ship to the highest bidder be made in the register of ships.

The note mentioned in the preceding paragraph shall have an effect whereby registered rights against the previous owner may only be acquired with subsequent entries if the annulment of the decision to sell to the highest bidder has become final.

If the decision to sell to the highest bidder was uncontested or if the contested suit was finally rejected, all the entries performed after the note on the decision against the previous owner of the ship, as well as all subsequent entries on his rights, shall be removed at the proposal of the affected party.

Article 359

Unless otherwise stipulated, all proposals on the entry and removal of notes shall be filed with the body responsible for the register of ships.

***Registration of consolidated mortgages***

Article 360

With consolidated mortgages (article 235 of this Act) founded with an entry in several inserts, one of the inserts shall be marked as the main insert and the others as auxiliary. In the proposal for an entry, it must be stated which of the inserts is the main one and which the auxiliary; if this is not stated in the proposal, it shall be considered that the one which is listed first in the proposal for entry is the main insert.

If a request is made for an existing mortgage on the same claim to be expanded so as to cover other inserts, the original encumbered insert shall be treated as the main insert.

In the main insert, reference shall be made to the auxiliary inserts by means of a note, and in each auxiliary insert, reference shall be made to the main insert.

Article 361

If the creditor requests, in order to secure his claim, that the mortgage be entered in a specific insert, he shall have to report the existence of the mortgage entered on this claim, in any other insert, in order that a note concerning a consolidated mortgage can be made.

The creditor shall be liable for damage caused by not reporting the existence of a mortgage.

If the note on a consolidated mortgage has not yet been entered, the mortgagee may propose that such a note be made and request reimbursement for costs from the creditor if the mortgage had not been entered through the fault of the creditor.

If, when permitting a book entry or a provisional note on mortgage, the body responsible for the register of ships notices that a mortgage on the same claim has already been entered in any other insert, it shall order *ex officio* that the insert in which this mortgage is entered be the main insert.

Article 362

If a book entry or a provisional note in any of the auxiliary inserts is removed due to a complaint, a note of its removal shall be made in the main insert.

Article 363

The order of precedence of consolidated mortgages shall be determined for each insert separately, whereby the decisive moment shall be the moment when the proposal to permit an entry on a consolidated mortgage was received.

Article 364

All proposals to change a mortgage on claims which are covered by a consolidated mortgage, entered in several inserts, must be filed with the register of ships.

The decision on the proposals shall be made in accordance with the state of entries in the main insert.

A proposal filed with an authority other than the body responsible for the register of ships shall be returned to the applicant with the instruction that the proposal must be submitted to the competent authority.

Article 365

All changes to a consolidated mortgage which require the transfer, restriction, encumbrance, removal of an entry or anything else shall be entered in the main insert only.

The recording of changes into the main insert shall have the same legal effect as if it had been made in all existing or future auxiliary inserts.

A note on the partial or complete removal of an entry on a consolidated mortgage applying to all ships or all claims (second mortgage) which are the subject of the consolidated mortgage shall be entered in all auxiliary inserts, while the removal of an entry on a consolidated mortgage applying to a specific ship or claim shall be entered only in the auxiliary insert in which the ship or claim has been entered.

Article 366

If a mortgage is removed on a ship or a claim which is secured with a mortgage entered in the main insert, all subsequent entries on the consolidated mortgage in this insert shall also be removed and transferred to one of the auxiliary inserts. If a consolidated mortgage still exists, this insert shall be treated as the main insert.

The conversion of an auxiliary insert into the main insert shall be recorded *ex officio* in each existing auxiliary insert.

Article 367

Only one suit shall be required for the justification of a provisional note on a consolidated mortgage on the same claim entered in different inserts.

Article 368

Extracts from the inserts which are kept as auxiliary in relation to the consolidated mortgage must contain an instruction to consult the main insert and a comment to the effect that changes to the consolidated mortgage are recorded only in the main insert.

***Removal of a ship's entry***

Article 369

The body responsible for the register of ships shall issue a decision to remove a ship from the register of ships if:

1. It establishes that the ship has been destroyed or presumed to have been destroyed;
2. If it no longer meets the conditions laid down in article 210 of this Act;
3. If it has been permanently withdrawn from navigation;
4. If it is entered in another register of ships.

A ship shall be deemed to have been destroyed if three months have passed since the last report on the ship. In that case, the ship shall be considered to have been destroyed on the day the last report on the ship was received.

The first and second paragraphs of this article shall also apply *mutatis mutandis* to the removal of entries for ships under construction.

#### Article 370

A ship may not be removed from the register of ships if the creditor with a maritime lien or a mortgage on a ship objects to the removal.

A creditor shall be deemed not to object to the removal if he does not communicate his objection in writing to the body responsible for the register of ships within fifteen days of being informed in writing of the proposal for its removal.

The ship's entry shall be removed from the register of ships despite the creditor's objection if an amount equal to the creditor's claim or other appropriate security is deposited with the court.

The provisions of this article shall also apply to ships under construction.

The provisions of this article shall not apply to the removal of the entry for a ship referred to in point 1 of the preceding article nor to the transfer of property on a ship by releasing the ship to the insurance company.

#### Article 371

A decision to remove a ship from the register of ships must establish, within the meaning of article 370 of this Act, that the creditors of maritime liens do not object to the removal and/or that the mortgagees agree with the removal referred to in point 1 of the first paragraph of article 369 of this Act.

An objection whereby privileged creditors object to the removal of a ship from the register of ships shall be filed with the body responsible for the register of ships, which shall decide on the matter.

In the case referred to in the preceding paragraph, a ship may be removed from the register of ships only after the decision of the body responsible for the register of ships refusing the removal becomes final.

#### Article 372

If a ship that had been removed from the register of ships because it was destroyed or presumed to have been destroyed, had been permanently withdrawn from navigation, or claimed as sea booty or spoils of war at sea, is being re-registered, the body responsible for the register of ships shall issue a decision to re-register the ship jointly with all the data and registered rights from the register of ships in which it was entered previously and which were valid at the time of its removal; it shall notify the shipowner and all others who were the beneficiaries of any registered right of this.

### **5. Legal remedies**

#### Article 373

A complaint may be filed with the ministry responsible for maritime affairs against a decision by the body responsible for the register of ships concerning an application or a proposal for registration.

The parties may state new facts and submit new evidence in a complaint only if these apply to any material violations of procedural rules.

#### Article 374

The period for submitting a complaint against a decision served in the Republic of Slovenia shall be 30 days, and for those served abroad, 60 days.

#### Article 375

A complaint not submitted on time, or which is incomplete or illegal, shall be rejected by the body responsible for the register of ships.

If a complaint is not rejected by the body responsible for the register of ships, copies thereof shall be sent to the parties to whom the disputed decision was delivered.

The body responsible for the register of ships may not alter or annul its decision.

A complaint which was submitted directly to a body of second instance shall be sent by this body to the body responsible for the register of ships, and it shall be considered that this complaint was submitted on the day it arrived at the body responsible for the register of ships.

#### Article 376

If a complaint against a decision permitting book entry (registration), a provisional note or initial registration has been made, the body responsible for the register of ships shall decide to introduce a note on the complaint.

If the complaint is rejected, the note shall be removed.

The introduction of the note and its removal referred to in the first and second paragraphs of this article shall be performed by the body responsible for the register of ships *ex officio*.

If a complaint against a decision concerning a request for initial registration in the register of ships is filed, the body responsible for the register of ships must act in accordance with the third paragraph of article 288 of this Act.

#### Article 377

If the body of second instance rejects a complaint against a decision rejecting a proposal for entry, the body responsible for the register of ships shall order *ex officio* that the note on this decision be removed and shall inform the parties thereof.

#### Article 378

If the body of second instance modifies a decision of the body responsible for the register of ships and approves any of the proposals mentioned in article 298 of this Act which were rejected by the body responsible for the register of ships, the permitted entry shall be made. In this case, it shall be considered that the entry was made at the time when the proposal for it to be made was submitted.

#### Article 379

If the body of second instance modifies a decision by which the body responsible for the register of ships permitted the removal of an entry, and rejects the proposal to remove the entry, the removed book entry or provisional note shall be restored.

If the body of second instance modifies a decision by which the body responsible for the register of ships granted any of the proposals listed in article 298 of this Act, and rejects the proposal, the book entry or provisional note shall be removed.

#### Article 380

The decision by which the body of second instance orders an entry shall be sent to the body responsible for the register of ships, complete with all the documents submitted with the application or the proposal, so that the service and registration can be conducted, acting in compliance with articles 310 and 313 of this Act.

#### Article 381

An administrative dispute shall be permitted in the procedure of entering a ship in the register of ships.



(c) Act Amending the Maritime Code (PZ-A), 27 February 2002<sup>1</sup>

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue a

**DECREE**

**promulgating the Act Amending the Maritime Code (PZ-A)**

I hereby promulgate the Act Amending the Maritime Code (PZ-A) adopted by the National Assembly of the Republic of Slovenia at its session on 27 February 2002.

No. 001-22-13/02  
Ljubljana, 7 March 2002

President of the Republic of Slovenia  
Milan Kučan  
[signed]

**ACT AMENDING THE MARITIME CODE (PZ-A)**

Article 1

In the second paragraph of Article 8 of the Maritime Code (Official Journal of the Republic of Slovenia No. 26/01) the text which reads "foreign nuclear warship, foreign ship of war with nuclear weapons on board" shall be added after the text "foreign public vessel."

In the first indent of the second paragraph of Article 8, a coma and a text which reads "foreign nuclear warship and foreign ship of war with nuclear weapons on board" shall be added after the text "to foreign ship of war."

The third paragraph of Article 8 shall be amended to read as follows:

"A Visit or stay in the internal waters of the Republic of Slovenia may not be permitted to a foreign military vessel, which by its visit poses a threat to the security of the Republic of Slovenia."

Article 2

This Act shall enter into force fifteen days after its publication in the Official Journal of the Republic of Slovenia.

No. 326-04/94-6/7  
Ljubljana, 27 February 2002

President of the National Assembly  
of the Republic of Slovenia  
Borut Pahor  
[signed]

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<sup>1</sup> Original: Slovenian. English translation provided by Slovenia. Text transmitted through notes verbales dated 24 and 27 February 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General of the United Nations. Published in *Official Journal of the Republic of Slovenia* No. 21 of 11 March 2002, under No. 908, page 1585.

(d) Act Amending the Maritime Code (PZ-B), 19 December 2003<sup>1</sup>

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue a

**DECREE**

**promulgating the Act Amending the Maritime Code (PZ-B)**

I hereby promulgate the Act Amending the Maritime Code (PZ-B) adopted by the National Assembly of the Republic of Slovenia at its session on 19 December 2003.

No. 001-22-133/03

President of the Republic of Slovenia

Ljubljana, 29 December 2003

Dr Janez Drnovšek

[signed]

**ACT AMENDING THE MARITIME CODE (PZ-B)**

Article 1

In Article 1 of the Maritime Code (Official Journal of the Republic of Slovenia No. 26/2001 and 21/2002) the words "sovereign rights" shall be added after the word "sovereignty".

Article 2

In Article 4 a new, second paragraph shall be added which reads as follows:

"The Republic of Slovenia may exercise its sovereign rights, jurisdiction and control over the sea surface, water column, sea bed and subsoil beyond the limits of state jurisdiction in accordance with international law".

Current paragraph 2 shall become paragraph 3.

Article 3

This Act shall enter into force fifteen days after its publication in the Official Journal of the Republic of Slovenia.

No. 326-04/94-6/9

President of the National Assembly

Ljubljana, 19 December 2003

of the Republic of Slovenia

EPA 930-III

Borut Pahor

[signed]

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<sup>1</sup> Original: Slovenian. English translation provided by Slovenia. Text transmitted through notes verbales dated 24 and 27 February 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General of the United Nations. Published in *Official Journal of the Republic of Slovenia* No. 2 of 15 January 2004, under No. 77, page 238.

C. Communications by States

Note verbale dated 15 March 2006 from the Permanent Mission of Italy to the United Nations addressed to the Secretary-General in reference to note verbale 840/05 of 2 September 2005 from the Permanent Mission of the Republic of Croatia to the United Nations containing the list of geographical coordinates defining the outer limit of the Ecological and Fisheries Protection Zone of the Republic of Croatia<sup>1</sup>

No. 1050

The Permanent Mission of Italy to the United Nations presents its compliments to the Secretary-General of the United Nations in his capacity as the depositary of the United Nations Convention on the Law of the Sea of 1982, and has the honour to express the following with reference to note verbale 840/05 of 2 September 2005 deposited with the United Nations Secretariat by the Permanent Mission of the Republic of Croatia.

The aforementioned note verbale includes a list of the geographic coordinates of outer borders of the ecological and fisheries protection zone of the Republic of Croatia. Points 1 to 42 on this list correspond to the continental shelf delimitation points drawn on Yugoslavian map 101, attached to the 1968 Agreement between Italy and the Socialist Federal Republic of Yugoslavia, of which Croatia is a successor State.

The unilateral setting of coordinates on this list by the Republic of Croatia is considered harmful to the interests and rights of Italy for the reasons that are explained below.

Article 74 of the United Nations Convention on the Law of the Sea, which regulates the delimitation of the exclusive economic zone and is applicable also to the delimitation of similar zones—such as the zone established by Croatia—provides for delimitation to be effected by agreement, based on international law, in order to achieve an equitable solution. Pending agreement, the concerned States, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature, and, during this transitional period, the parties should not jeopardize or hamper the reaching of a final agreement.

Croatia, in violation of article 74 of the United Nations Convention on the Law of the Sea, did not involve Italy in the setting of the provisional limit, despite the provision on the need for cooperation contained in the aforementioned article.

The provisional limit of the Croatian ecological and fisheries protection zone appears harmful to Italian interests not only in procedural terms but also in substance.

First, it is recalled that the 1968 Agreement was concluded when the Italian system of baselines on the territorial sea was profoundly different from today, since it did not contemplate the then new method of straight baselines, while the Federal Republic of Yugoslavia had already revised its system and introduced the new method.

Second, consideration should be given to the fact that the flow of detritus from the Po River from 1968 to today has led to a further lengthening toward the open sea of the Italian coastline.

Third, the constant jurisprudence of the International Court of Justice has consistently recognized that the delimitation of sea areas invokes special circumstances that differ by continental shelf and by superjacent waters—such as, for example, historic fishing rights—which lead to different delimitation methods. Consequently, in this specific case, there is no legal foundation for the automatic extension, however provisional, of the seabed line of delimitation agreed upon in 1968 to superjacent waters, since any delimitation must be considered in close relation to the circumstances of the case that produce it and that change over time. Therefore, international jurisprudence has always considered necessary the consent of the concerned States to the automatic extension of the seabed line of delimitation to superjacent waters.

This principle holds especially true in this specific case when one considers that the line of the 1968 Agreement was set during a period in which the notion of the exclusive economic zone was not yet well defined in international law of the sea.

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<sup>1</sup> Note 840/05 from the Permanent Mission of Croatia to the United Nations was published in *Law of the Sea Bulletin* No. 59.

Finally, it should be noted that the same 1968 Agreement is violated by the unilateral measure to automatically extend the seabed delimitation line to the superjacent waters adopted by the Croatian part since article 4 of the Agreement expressly states that, “The present Agreement does not impact on the legal status of the waters and air space superjacent to the continental shelf”.

The Permanent Mission of the Republic of Italy thus has the honour to request the Secretary-General of the United Nations, in his capacity as depositary of the 1982 United Nations Convention on the Law of the Sea, to circulate this note verbale to the States Parties to the Convention and to publish it in the Law of the Sea Bulletin.

New York, 15 March 2006

### III. OTHER INFORMATION

#### A. Lists of conciliators and arbitrators nominated under article 2 of annexes V and VII of the Convention

##### List of conciliators nominated under article 2 of annex V to the Convention

State Party	Conciliators - Nominations	Date of deposit of notification with the Secretary-General
<b>Brazil</b>	Walter de Sá Leitão	10 September 2001
<b>Chile</b>	Helmut Brunner Nöer Rodrigo Díaz Albónico Carlos Martínez Sotomayor Eduardo Vío Grossi	18 November 1998
<b>Costa Rica</b>	Lic. Carlos Fernando Alvarado Valverde	15 March 2000
<b>Czech Republic</b>	Dr. Vladimír Kopal	18 December 1996
<b>Finland</b>	Professor Kari Hakapää Professor Martti Koskenniemi Justice Gustav Möller Justice Pekka Vihervuori	25 May 2001
<b>Indonesia</b>	Prof. Dr. Hasjim Djalal, M.A Dr. ETTY Roesmaryati Agoes, SH, LL.M. Dr. Sudirman Saad, D.H., M.Hum Lieutenant Commander Kresno Bruntoro, SH, LL.M	3 August 2001
<b>Italy</b>	Professor Umberto Leanza Ambassador Luigi Vittorio Ferraris Ambassador Giuseppe Jacoangeli	21 September 1999

State Party	Conciliators - Nominations	Date of deposit of notification with the Secretary-General
<b>Mexico</b>	<p>Ambassador José Luis Vallarta Marrón, Former Permanent Representative of Mexico to the International Seabed Authority</p> <p>Dr. Alejandro Sobarzo, Member of the national delegation to the Permanent Court of Arbitration</p> <p>Joel Hernández García, Deputy Legal Adviser, Ministry of Foreign Affairs</p> <p>Dr. Erasmo Lara Cabrera, Director of International Law III, Legal Adviser, Ministry of Foreign Affairs</p>	9 December 2002
<b>Norway</b>	<p>Mr. Carsten Smith, President of the Supreme Court</p> <p>Ms. Karin Bruzelius, Supreme Court Judge</p> <p>Mr. Hans Wilhelm Longva, Director General, Department of Legal Affairs, Ministry of Foreign Affairs</p> <p>Ambassador Per Tresselt</p>	22 November 1999
<b>Poland</b>	<p>Mr. Janusz Symonides</p> <p>Mr. Stanisław Pawlak</p> <p>Mrs. Maria Dragun-Gertner</p>	14 May 2004
<b>Slovakia</b>	<p>Dr. Marek Smid, International Law Department of the Ministry of Foreign Affairs of Slovakia</p>	9 July 2004
<b>Spain</b>	<p>José Manuel Lacleta Muños, Ambassador of Spain</p> <p>José Antonio de Yturriaga Barberán, Ambassador-at-large</p> <p>Juan Antonio Yáñez-Barnuevo García, Ambassador-at-large</p> <p>Aurelio Pérez Giralda, Chief, International Legal Advisory Assistance, Ministry of Foreign Affairs</p>	7 February 2002

State Party	Conciliators - Nominations	Date of deposit of notification with the Secretary-General
<b>Sri Lanka</b>	Hon. M. S. Aziz, P.C. (Prof.) Dr. C. F. Amerasinghe A. R. Perera	17 January 1996
	C. W. Pinto, Secretary-General of the Iran-U.S. Claims Tribunal in The Hague	8 April 2002
<b>Sudan</b>	Dr. Abd Elrahman Elkhalifa Sayed/Eltahir Hamadalla	8 September 1995

List of arbitrators nominated under article 2 of annex VII to the Convention

State Party	Arbitrators – Nominations	Date of deposit of notification with the Secretary-General
<b>Australia</b>	Sir Gerard Brennan AC KBE Mr. Henry Burmester QC Professor Ivan Shearer AM	19 August 1999
<b>Brazil</b>	Walter de Sá Leitão	10 September 2001
<b>Chile</b>	José Miguel Barros Franco María Teresa Infante Caffi Edmundo Vargas Carreño Fernando Zegers Santa Cruz	18 November 1998
<b>Costa Rica</b>	Lic. Carlos Fernando Alvarado Valverde	15 March 2000
<b>Czech Republic</b>	Dr. Vladimír Kopal	18 December 1996

<b>State Party</b>	<b>Arbitrators – Nominations</b>	<b>Date of deposit of notification with the Secretary-General</b>
<b>Finland</b>	Professor Kari Hakapää Professor Martti Koskenniemi Justice Gustav Möller Justice Pekka Vihervuori	25 May 2001
<b>France</b>	Daniel Bardonnet Pierre-Marie Dupuy Jean-Pierre Quéneudec Laurent Lucchini	4 February 1998
<b>Germany</b>	Dr. (Ms.) Renate Platzoeder	25 March 1996
<b>Indonesia</b>	Prof. Dr. Hasjim Djalal, M.A Dr. Etty Roesmaryati Agoes, SH, LL.M. Dr. Sudirman Saad, D.H., M.Hum. Lieutenant Commander Kresno Bruntoro, SH, LL.M	3 August 2001
<b>Italy</b>	Professor Umberto Leanza Professor Tullio Scovazzi	21 September 1999
<b>Japan</b>	Ambassador Hisashi Owada, President of the Japan Institute of International Affairs Ambassador Chusei Yamada, Professor, Waseda University Dr. Soji Yamamoto, Professor Emeritus, Tohoku University Dr. Nisuke Ando, Professor, Doshisha University	28 September 2000

State Party	Arbitrators – Nominations	Date of deposit of notification with the Secretary-General
<b>Mexico</b>	<p>Ambassador Alberto Székely Sánchez, Special Adviser to the Secretary for International Waters Affairs</p> <p>Dr. Alonso Gómez Robledo Verduzco, Researcher, Institute of Legal Research, National Autonomous University of Mexico, member of the Inter-American Legal Committee of the Organization of American States</p> <p>Frigate Captain JN. LD.DEM. Agustín Rodríguez Malpica Esquivel, Chief, Legal Unit, Secretariat of the Navy</p> <p>Frigate Lieutenant SJN.LD. Juan Jorge Quiroz Richards, Secretariat of the Navy</p>	9 December 2002
<b>Mongolia</b>	<p>Professor Rüdiger Wolfrum</p> <p>Professor Jean-Pierre Cot</p>	22 February 2005
<b>Netherlands</b>	<p>Ellen Hey</p> <p>Professor Alfred H.A. Soons</p> <p>Adriaan Bos</p>	9 February 1998
	Professor Barbara Kwiatkowska	29 May 2002
<b>Norway</b>	<p>Mr. Carsten Smith, President of the Supreme Court</p> <p>Ms. Karin Bruzelius, Supreme Court Judge</p> <p>Mr. Hans Wilhelm Longva, Director General, Department of Legal Affairs, Ministry of Foreign Affairs</p> <p>Ambassador Per Tresselt</p>	22 November 1999
<b>Poland</b>	<p>Mr. Janusz Symonides</p> <p>Mr. Stanisław Pawlak</p> <p>Mrs. Maria Dragun-Gertner</p>	14 May 2004



<b>Russian Federation</b>	Vladimir S. Kotliar	27 May 1997
	Professor Kamil A. Bekyashev Mr. Pavel G. Dzubenko, Deputy Director of the Legal Department of the Ministry of Foreign Affairs	4 March 1998
	Mr. Alexander N. Vylegjanin, Director of the Legal Department of the Council for the Study of Productive Forces of the Russian Academy of Sciences	17 January 2003
<b>Slovakia</b>	Dr. Peter Tomka, Judge of the International Court of Justice	9 July 2004
<b>Spain</b>	D. José Antonio de Yturriaga Barberán	23 June 1999
	José Manuel Lacleta Muños, Ambassador of Spain José Antonio Pastor Ridruejo, Judge, European Court of Human Rights Julio D. González Campos, Professor of Private International Law, Universidad Autónoma de Madrid, former Constitutional Court Judge	7 February 2002
<b>Sri Lanka</b>	Hon. M. S. Aziz, P.C. (Prof.) Dr. C. F. Amerasinghe A. R. Perera	17 January 1996
	C. W. Pinto, Secretary-General of the Iran-U.S. Claims Tribunal in The Hague	8 April 2002
<b>Sudan</b>	Sayed/Shawgi Hussain Dr. Ahmed Elmufti	8 September 1995
<b>Trinidad and Tobago</b>	Mr. Justice Cecil Bernard, Judge of the Industrial Court of the Republic of Trinidad and Tobago	17 November 2004
<b>United Kingdom of Great Britain and Northern Ireland</b>	Professor Christopher Greenwood Professor Elihu Lauterpacht CBE QC Sir Arthur Watts KCMG QC	19 February 1998
	Judge David Anderson, CMG	14 September 2005

B. Corrigendum to Bulletins Nos. 51, 56 and 57

*Law of the Sea Bulletin* No. 51

Madagascar: Extract from Act No. 99-028 of 3 February 2000 amending the Maritime Code

Page 93:

Article 1.1.02. External waters

Should read:

Article 1.1.02. Internal waters

*Law of the Sea Bulletin* No. 56

Madagascar: Maritime Code

Pages iii and 60:

(2 April 2004)

Should read :

(3 February 2000)

*Law of the Sea Bulletin* No. 57

Madagascar: Maritime Code

Pages iii and 47:

(2 April 2004)

Should read :

(3 February 2000)

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