

LAW OF THE SEA BULLETIN

No. 60

2006

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

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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

<p>State or entity</p> <p><i>Italicized text</i> indicates non- members of the United Nations; Shaded row indicates landlocked States China</p>	<p>United Nations Convention on the Law of the Sea (in force as from 16 November 1994)</p> <p>Signature (☐ - declaration)</p>	<p>Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)</p> <p>☐ 7 June 1996</p>	<p>Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)</p> <p>Signature</p> <p>Ratification; formal confirmation (fc); accession(a); definitive signature (ds); consent to be bound (p);² simplified procedure (sp);³ 7 June 1996 (p)</p>	<p>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)</p> <p>Signature (☐ - declaration or statement)</p> <p>Ratification; accession(a)⁴ (☐ - declaration)</p>
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Gabon
Gambia

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> 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); ² simplified procedure (sp); ³	Ratification; accession(a) ⁴ (□ - declaration)
Jordan	Signature (□ - declaration)	Signature	Signature (□ - declaration or statement)
Kazakhstan	27 November 1995 (a)	27 November 1995 (p)	
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)

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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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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Italicized text indicates

non- members of

the United Nations;

Shaded row indicates

landlocked States

Signature 

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declaration)

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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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. (82(.1.14[()-5)6(No)5(vemr 19)5(9)5(8)-1()])TJTtw 0 w982nT

40. Samoa (14 August 1995)
41. Micronesia (Federated States of)
(6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1

10. Senegal (30 January 1997)

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

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 Heritage¹¹ 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*

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

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;¹⁶

33. *Notes with satisfaction* the progress in the work of the Commission,¹⁷ 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

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;¹⁸

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 2004,¹⁹ 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 radioa(r)91 Tc Of88 1aTJ0.(it3ion)6(d659

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 2005,²⁴ and the Regional Cooperation

Wastes and Other Matter, 1972,³⁰ 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 Activities³¹ and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities;³²

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 Declaration³³ and of the time-

³⁰ IMO/LC.2/Circ.380.

³¹ A/51/116, annex II.

³² See A/57/57, annex I.B.

³³ See resolution 55/2.

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

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

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;

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

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

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

⁴⁰ 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 (e)-7-Pac

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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

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

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

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”),² 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,

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

Noting with satisfaction

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

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

30. *Urges* States and subregional and regional fisheries management

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,⁸ 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

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 Operations¹¹ 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

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

approaches to fisheries management, including through implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries,⁴ 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.

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

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

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

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 Island¹

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

(b) List of geographical coordinates of points
defining the outer limit of the territorial sea around Bouvet Island²

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	

-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 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 2005¹

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 .

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:

(b) Maritime Code (PZ), 2001¹

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.

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.

Article 8

Foreign military vessels, foreign public ships, foreign nuclear ships, foreign fishing ships and foreign

Persons mentioned in the first paragraph of this article must supply the data acquired in this way to the

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

- 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 naviga

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 commercial 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

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 la

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;

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(s)15(m)12ist persons(o)4(f)(ate

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 .00111 Tf0 T

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

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 ()11(b)Tgu 9T8e-2(ci)4(et)0.48001 0.395 25-ods -2(ci)4(e

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

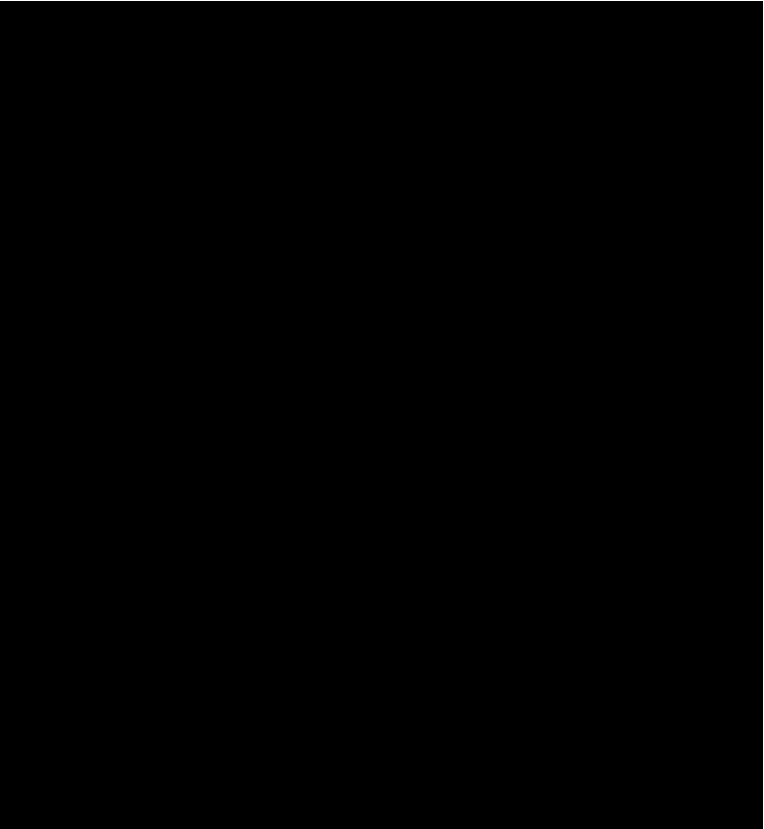
An inspection of the seaworthiness of a ship for trial navigation shall be established prior to departure for trial voyage.

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



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 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

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

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

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;

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 op

Article 149

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, foodm2.018(req)5(u)-1(est)4()6thule re5(d

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

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

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.

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)

Article 187

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 para in

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

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. e5tisedr thg 7 sec(llectio)- (e5)8tg 7 sec(llectio)-1 Tf0 est2d7r.all b412e .0009 Tc96(b(nt.96(b(1p4(Dn16 Td(j)l)1

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

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 236 of the Act of 1982) or because it has been permanently withdrawn from navigation (points 1 and 3 of the first paragraph of Article 236 of the Act of 1982).

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

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

- 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 procedur

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 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

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

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

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 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*".

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

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*

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

Article 340

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 the

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

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 ha

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

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 agai

(c) Act Amending the Maritime Code (PZ-A), 27 February 2002¹

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 Ku

(d) Act Amending the Maritime Code (PZ-B), 19 December 2003¹

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

Ljubljana, 29 December 2003

[signed]

President of the Republic of Slovenia

Dr Janez Drnovšek

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

Ljubljana, 19 December 2003

EPA 930-III

President of the National Assembly
of the Republic of Slovenia

Borut Pahor

[signed]

¹ 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 Croatia¹

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.

¹ 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 delimitation line shall not extend to the superjacent waters.

State Party	Conciliators - Nominations	Date of deposit of notification with the Secretary-General
Mexico	Ambassador José Luis Vallarta Marrón, Former Permanent Representative of Mexico to the International Seabed Authority Dr. Alejandro Sobarzo, Member of the national delegation to the Permanent Court of Arbitration	

State Party	Conciliators - Nominations	Date of deposit of notification with the Secretary-General
Sri Lanka	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
Sudan	Dr. Abd Elrahman Elkhalfa Sayed/Eltahir Hamadalla	8 September 1995

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State Party	Arbitrators – Nominations	Date of deposit of notification with the Secretary-General
Finland	Professor Kari Hakapää Professor Martti Koskenniemi Justice Gustav Möller Justice Pekka Vihervuori	25 May 2001
France	Daniel Bardonnet Pierre-Marie Dupuy Jean-Pierre Quéneudec Laurent Lucchini	4 February 1998
Germany	Dr. (Ms.) Renate Platzoeder	25 March 1996
Indonesia	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
Italy	Professor Umberto Leanza Professor Tullio Scovazzi	21 September 1999
Japan	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
Mexico	<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
Mongolia	<p>Professor Rüdiger Wolfrum</p> <p>Professor Jean-Pierre Cot</p>	22 February 2005
Netherlands	<p>Ellen Hey</p> <p>Professor Alfred H.A. Soons</p> <p>Adriaan Bos</p>	9 February 1998
	Professor Barbara Kwiatkowska	29 May 2002
Norway	<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
Poland	<p>Mr. Janusz Symonides</p> <p>Mr. Stanisław Pawlak</p> <p>Mrs. Maria Dragun-Gertner</p>	14 May 2004

Russian Federation	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
Slovakia	Dr. Peter Tomka, Judge of the International Court of Justice	9 July 2004
Spain	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
Sri Lanka	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
Sudan	Sayed/Shawgi Hussain Dr. Ahmed Elmufti	8 September 1995
Trinidad and Tobago	Mr. Justice Cecil Bernard, Judge of the Industrial Court of the Republic of Trinidad and Tobago	17 November 2004
United Kingdom of Great Britain and Northern Ireland	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)
